MASTER OF SCIENCE

LGBT+ Experiences of Custody
Gender Non-Conformity in Overtly Gendered Social Spaces

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Relevant Abbreviations

FOI	Freedom of information request
FTM	Female to Male trans person
HMPS	Her Majesty's Prison Service
LGBT+	Lesbian, Gay, Bisexual, Trans, and other
MOJ	Ministry of Justice
MTF	Male to Female trans person
NOMS	National Offender Management Service
SPS	Scottish Prison Service
VP	Vulnerable Prisoner

Declaration

In submitting this dissertation, I, Scott McMillan declare that I am the sole author of this dissertation; that the work has not previously been accepted as part of any other degree submission; that I have conducted all the work of which this is a record.
Date: 13/10/2021

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Summary of work

LGBT+ people are evidenced globally as being negatively impacted by the criminal justice system and face specific challenges within custodial settings due to their sexual orientation or gender identity, in what are inherently heteronormative and overtly masculine spaces culturally, and where hard lines between sex and gender are actively enforced and even reified in policy and practice at the institutional level.

This dissertation sought to explore the experience of LGBT+ people in UK prisons relative to this hyper normatively gendered culture, and particularly masculinity, given that upwards of 90% of all people in custody are male. In so doing, it also sought to make recommendations for best practice based on these experiences.

A review of relevant policy regarding LGBT+ Human rights legislation and specifically in custodial settings in the UK and the US, and of current and historical understandings of masculinity in the West, was followed by thematic analysis of LGBT+ participant interviews, utilising the theoretical concepts and perspectives of Pierre Bourdieu to explore the social dynamics, embodied states and adaptive capitals of gender, sexuality, class and prisoner versus institutional cultures in custodial settings.

The data sample was taken from the AHRC-funded international project exploring experiences of LGBT+ prisoners in the UK of which this programme was part. The sample consisted of thirty interviews with LGBT+ prisoners, and 9 staff interviews, consisting of 5 individual interviews with managers and focus groups with 21 frontline staff.

Among the findings it was revealed gendered norms were codified in overly simple and stereotyped ways that arguably exacerbated the harms associated with these constructions. Variance of abuse versus acceptance; threat from peers versus threat from establishment; the nature of the threat posed and from whom; deployment of blanket policies; and agency, advocacy, and engagement with the system regarding LGBT+ issues, were dependent on specific custodial environments relative to sex [male or female], offence type [sex offenders or mainstream] and social class [lower/working or middle/upper]. Male mainstream environments were the most hypermasculine and overtly hostile to LGBT+ people in custody with the primary threat coming from peers in the forms of verbal and physical abuse. Male sex offender and female environments were more accepting of LGBT+ and were overrepresented in numbers,

with the primary threat coming from the establishment in the form of policies and practice to both police open, and overlook clandestine, same sex activity on the grounds of female vulnerability and predatory male sexuality, respectively. Staff reported lack of training, education, and ambivalence to the sensitivities of gender identity and sexual orientation in the face of maintaining safety and security, and scepticism of disingenuous actors manipulating transgender policies to gain access to female environments. Trans people in custody were the most visible, contentious and discussed issue from an institutional perspective, constructed as simultaneously vulnerable and risky, and experienced negative treatment and prejudice regardless of differing prison environments.

This dissertation concluded that current policies to both police or ignore, were tantamount to incentivised homophobia and institutional thoughtlessness, and should be replaced with a system of sanctioned mediation, along with the introduction of additional frontline staff, and regular mandatory training on diversity issues and mental health and wellbeing. Furthermore, a review of current academic, political, cultural, and institutional discourse on gender and its codification in policy and practice was deemed necessary to transcend, rather than entrench, gendered stereotypes. Doing so would benefit not just those gender non-conforming/non-binary people in custody – particularly trans people in custody who embody both extremes in this context – but the majority of heterosexual men and women in custody for whom these extreme positions are operationalised around, and who come to internalise and are governed by them, despite being embodied by a minority within these populations.

Chapter 1 – Introduction

Lesbian, Gay, Bisexual, Trans, and other gender non-conforming people (LGBT+) [1] are evidenced globally as being negatively impacted by the justice system and particularly in custodial settings. This remains the case in Western democratic countries despite being evidenced as among the most progressive in the world regarding LGBT+ rights (Marksamer and Tobin, 2014; UNODC, 2009; Dunn, 2013). The aim of this dissertation is to explore LGBT+ peoples experience in custody and inform recommendations for policy and practice, drawing from the project ''The situation of LGBT+ people in UK prisons'' (Fernandes, Kaufmann and Kauffmann, 2020).

In considering the experience of LGBT+ in custody, critical reflection of prisons as deeply gendered and sexed institutions is necessary (Bosworth, et al. 2001). I make this distinction because biological males represent 90 to 97 percent of prison populations worldwide (96% in Scotland according to the World Prison Brief, 2020; Maycock and Hunt, 2018) and the culture within prisons (in the UK and elsewhere) is predominantly heteronormative and hypermasculine, reflecting the cultural norms of most males in prison pre-incarceration (APT, 2018; A/HRC/13/39, 2010; Sykes, 2007). The importance of gender, specifically masculinity, in shaping institutional culture also applies to staff, with around 75% in the UK being male (MOJ, 2018) and until recently, often recruited from hyper-masculinized and heteronormative law

1 Though quickly evolving, this terminology of LGBT+ was chosen as it is comprehensive, widely accepted internationally as well as commonplace now in the UK where this data was gathered.

enforcement and military environments (Moran et, al. 2019). Prison actively draws hard lines around sex and gender. Prison authorities struggle to manage the minority of biological females they hold, as well as people who transcend traditional binary distinctions, particularly gender non-conforming biological males, who are feminised and subordinated within male environments, then re-masculinised and perceived as risky within female environments. Prison is often cited as a system designed and operated 'by men for men' and speaks to a specific, rigid cultural expression of masculinity that is harmful to women [and by extension, feminised males] (Corsten, 2018). Therefore, the better we understand definitions of masculinity and femininity as foundational frameworks, the better we can understand what it means for people held in predominantly (hyper)masculine environments who do not conform to traditional gender norms; and what we can do to address these issues in real terms by challenging cultural hegemony and stereotypes of class, gender, and sexual orientation of people in custody, of staff, and of the institutions themselves.

To confront these issues, this dissertation explores the experiences of LGBT+ people in prison in the UK. While the larger research project, of which this work was part, considers policy and practices from various countries, the data gathered and analysed here was drawn from people held in UK prisons. Given the issues described so far, and the culture of UK penal environments, the questions organising this inquiry were:

To what extent does heteronormativity and a concentrated or 'hyper' masculinity in the prison setting impact the lived experience of LGBT+ people?

How are gendered presentations and identities of LGBT+ people viewed by themselves and others (staff and prisoners) within the prison setting – as separate, and/or subordinate forms of masculinity?

To what degree do existing norms and constructions of sex and gender (in prison, and UK society) shape policy and practitioner judgement in relation to prisoners, and to what degree do they reinforce gender and sexuality stereotypes in their attempts to address them?
How does the perspective of LGBT+ people in prison challenge the accuracy and utility of existing, conventional constructions of sex and gender?

I began this project as a serving prisoner on community work placement to Dundee University from Scotland's only Open Prison. During my time at Dundee, I was exposed to the work of Pierre Bourdieu, and his conceptual tools of 'field', 'habitus', and 'dominance', which I found to be powerful in explaining the power dynamics in custodial settings, and the need to adapt ones 'feel' for the multiple and often antithetical socio-cultural and symbolic 'games' being played at the level of people in prison, of practitioners, and the institution itself in relation to class values, gendered norms and stereotypes. I have thus adopted a Bourdieusian approach in forming my own research. Though not a member of the LGBT+ community, I come to this project with extensive lived experience of the Scottish prison system, with an interest in shame, stigma, spoiled identity, risk, and the roles and expectations of gender – issues relevant to LGBT+ peoples prison experiences. From my position within the majority population in custody, I have also witnessed the ridicule and bullying of LGBT+ people in prison, and the moral panic around trans people in particular. The culmination of these experiences has afforded me a unique insider/outsider perspective from which to analyse these issues.

From these various perspectives, I argue that overt constructions of 'traditional' masculinity and femininity, are reified in custodial settings, and these constructions, while not expressly

embodied or ascribed to by most held in prison, are the standard (Crowley, 2018; 2021; Symkovytch, 2018). This is particularly so among the male population, to which self and others are judged, and to which institutional policy and practices are operationalised. Thus, creating rigid environments for gender expression for all, but especially problematic for the gender non-conforming.

The degree to which prejudice and discrimination are experienced, and from whom, appear dependent on three distinct prison environments, male mainstream environments, male sex offender environments, and female environments. These environments directly correlate with levels and forms of abuse versus acceptance from peers, and the nature in which blanket policies regarding decency and sexual conduct are applied at the institutional level.

Which grouping within the LGBT+ 'community' one identifies and to what degree self and others are defined as legitimate will also determine how they are perceived and treated by peers and staff. While prisons champion equality and diversity in their policy, with appointed officers and 'prisoner reps' in many institutions, and national policies specific to LGBT+ people across the estate, existing policy and practice around decency, and policing or ignoring intimate relationships respective to the extent of their visibility, run afoul of attempts to create safe and welcoming environments for LGBT+ people in their care.

This dissertation presents an account of the research and these claims. First, I set the scene by reviewing the profile and policy landscape of LGBT+ people in prison. I then present a discussion of theory including work on Bourdieu, gender, prison identity and culture, with a focus on masculinities and LGBT+ issues. Then an overview of methods, discussion, and data

analysis of the research findings, followed by concluding recommendations for future policy intervention in respect of the evidence.

Ultimately, and by way of a concluding section, I address the question at the heart of my inquiry: What does the culmination of all these constructions mean for LGBT+ peoples experiences of custody? In doing so, I cite the voices, lived experiences and expressed desires of LGBT+ people in UK prisons, to propose several recommendations for more inclusive, ethical, and socially just practices, that aim to prevent or at least mitigate the specific pains of imprisonment this population are consistently evidenced to suffer from in custodial settings?

Chapter 2 – Setting the Scene: LGBT+ Background and Policies

This chapter contextualises the research by providing background on numbers, issues and policies affecting LGBT+ people in prison. It focusses on Scotland and the UK but draws on international data and policy that provide broader context.

Within this dissertation the term LGBT+ has been chosen to accommodate the growing expression of non-heteronormative sexual orientation and gender identities that may otherwise be limited by the earlier term LGBT. While many variations of this term continue to evolve, LGBT+ is currently accepted as comprehensive and inclusive, and will be cited throughout this dissertation.

LGBT+ people are reported to experience higher rates of mental health issues, negative experiences of school, poverty, homelessness and contact with the criminal justice system than the general population in most societies in the world including most progressive western democratic societies (Meyer, 2007). This includes Scotland, despite a significant positive shift evidenced in terms of public attitudes and legislative practices (GOV.SCOT, 2017) and being rated among the most equal societies in the world for LGBT+ citizens, they are still more likely to experience poorer mental and physical health outcomes and be overrepresented in deprived urban areas (GOV.SCOT, 2017). In the rest of the UK, across all positive metrics of quality of life, life satisfaction, happiness, and perception that the things they do in life are worthwhile, people who were LGB rated each aspect of quality of life lower, and experienced

greater rates of anxiety than their heterosexual counterparts, particularly those who identified as bisexual (ons.gov.uk, 2017).

To give an example, in the US, only 3.5% of the general population are recorded as LGB (Trans numbers were not included). But 5.5% of the adult male prison population and 33% of the female population identify as sexual minorities (Meyer, et al. 2017). This suggests LGBT+ people face similar challenges going into custody and navigating the institution as most prisoners, who typically also have negative experiences of school, care, housing, and mental health (Fernandes et, al. 2018). For those in LGBT+ groups, the questions arising might be 'How do I know I am being treated in accordance with the Equality Act (2010) if I cannot read or understand legal documents?' 'How do I identify a breach of my rights if I don't fully comprehend my rights and what they mean? Or pursue justice through a legal system and articulate my point clearly and concisely?'. And for those who do understand, 'Do I risk outing or drawing unnecessary attention to myself in here?' In such instances it is not simply enough then to know your rights, but to have sufficient understanding of the social field to know how and when to deploy your knowledge, what Bourdieu (1977) defines as *habitus*, in ways that advance rather than hinder. However, as will be discussed, prisons are places that inherently shut people down (Liebling, 2013), discouraging open communication and disclosure. Being a member of a potentially stigmatised gender/sexual minority then may intensify this oppressive quality of prison, and the stakes of violating these prison norms. There is already evidence supporting that gender has implications for the complaints procedure and that women in prison are less likely to complain or confront staff than their male counterparts (Behan and Kirkman, 2016), which may also compound difficult custodial experiences for

women in same-sex relationships given their higher representation within the female prison population.

Although an understudied area, there is a great deal of international concern over the abuse suffered by LGBT+ people in custody, particularly in America where prison rape is often used as an act of domination (Carr et al., 2016; Jenness et al., 2019; APT, 2018; UNODC, 2015; Egelund, 2014) demonstrating one's masculinity by feminizing the other and stripping them of their manhood (Bourdieu, 2001). Rape primarily as a means of establishing dominance through violence does not seem to be commonplace in UK prisons, with reports of sexual assault comparatively low (Howard League, 2016; Sondhi et al., 2018) although this is not to say it is not a problem and under-reporting is a perennial issue (Howard League, 2016). Several participants in this study revealed they had been raped in prison, although even with this the sense is it is substantially less common in the UK than in the US.

Reliable figures are difficult to come by. All documents reviewed here focusing on LGBT+ people in prison provide no accurate statistics on the number of LGBT+ people in custody despite identifying this as an issue regularly. Green et al., (2003) interviewed 1,009 randomly selected men in 13 English and Welsh prisons, concluding between 1.6 and 3.4 per cent willingly had sex, while 2 per cent experienced unwanted sexual activity. These findings were echoed in the National Offender Management Service (NOMS) 2016/17 report, where 97% (n=71,901) of prisoners who declared their sexual orientation in England and Wales identified themselves as Heterosexual, while 2.6% (n=1,954) identified as Gay/ Lesbian/ Bisexual or Other (LGB). These figures correspond with a survey of 5,076 Scottish male prisoners, of whom 2.5 per cent reported having anal sex in prison (Taylor et al., 2013). Most recently,

following publication by the larger project from which this dissertation shares its dataset, 7% of the prison population Identify as homosexual/ bisexual/other sexual orientation, and 22% of women bisexual/other (Fernandes, Kaufmann and Kaufmann (2020). There are smaller numbers of trans prisoners: 163 in England and Wales were reported by the Ministry Of Justice in 2019, with only 11 being housed in a prison corresponding with their acknowledged gender (MOJ, 2019) and 18 in Scotland (Beard, 2018). As a minority population in prison, LGBT+ people can be both neglected as a group with their needs unknown or ignored and exposed to greater risks in prison (Carr et al., 2016; Marksamer and Tobin, 2014).

(Inter)national policies have been emerging over the past two decades to address the rights and needs of LGBT+ people. The rest of this chapter critically describes those relevant to people in prison in the UK.

Internationally, the Yogyakarta Principles (2007) and its update Yogyakarta + 10 (2017) were developed as universal guidelines for human rights law for sexual orientation and gender identity. Considered the gold standard and aimed to guide legislation in individual states; the principles themselves are not legally binding. They are a set of proposed goals with which the international community should aspire and have been influential in shaping progressive policy development worldwide. The Yogyakarta principles aim for parity, articulating current human rights as applied to all persons, but interpreted specifically for LGBT+ people, rather than asking for new or separate LGBT+ specific rights. Principles 9 (right to humanity while in detention) and 10 (prohibition of cruelty and degrading treatment) apply specifically to those in prison, but other principles such as the right to privacy, security of the person and equality and non-discrimination also arise in a prison context (Yogyakarta Principles, 2007). The

principles might be criticised for their use of ‘assigned at birth’ when talking about an individual’s sex, this implies acceptance of an extreme position that biological sex is not something empirically observed but arbitrarily imposed.

Within Scotland, the Scottish Prison Service (SPS) published ‘Gender Identity and gender reassignment’ (2014). This was drafted in partnership with the Scottish Trans Alliance and seen to be part of a reputation enjoyed by Scotland as a world leading social justice policy setting (Scotsman, 2018: Equality Network, 2015). The SPS allows for the accommodation of those in prison by lived rather than birth gender (SPS, 2014). It does not require the Gender Recognition Certificate (medical certification) and case managed (officially monitored) transition process for trans prisoners as was the case in England prior to late 2016 (SCCJR, 2018; Beard, 2018). It seems focussed on sensitivity and the protection of trans people’s identity. Scottish policy also commits to continuation of treatment and care pre-custody and access to NHS services for those who wish to transition. This contrasts with some trans prisoner policies and practices such as those suggested by the National Centre for Trans Equality (Marksamer and Tobin, 2014) to be outlined below, that seem to emphasise protection/segregation of the person in question and a 'victim' identity rather than a recognition of equal personhood and status.

However, Scottish prison policy still frames males as predatory/risky, highlighting a need for trans people’s safety upon entering reception. Admission of being trans may require separate holding cells for safety; single cell accommodation or allowed only to cell-share or associate with others assessed to pose no risk to their safety. The integration or perceived risk of trans people among the wider prison population based on negative reactions to their coming out

as trans, is cited as a key priority in the risk procedure, stipulating ''A female-to-male person in custody living permanently as a man without genital surgery should be allocated to a male establishment. However, if he requests to be allocated to a female establishment due to high level of concern about sexual assault risk in a male establishment, then he should be kept out of association until an urgent case conference responds in detail to his request. A male-to-female person in custody living permanently as a woman without genital surgery should be allocated to a female establishment. She should not be automatically regarded as posing a high sexual offence risk to other people in custody and should not be subject to any automatic restrictions of her association with other people in custody. However, if there is clear evidence that she, as an individual, may pose a sexual offence risk, then this should be dealt with as for any other person in custody posing a risk. Only where a risk assessment determines it is justified, should she be subject to increased staff supervision or restrictions of her association with other people in custody'' (SPS, 2014: 25-26).

We clearly see measures to mitigate the assumed threat of mainstream male prisoners to trans prisoners. But there is also specific significance to the perceived violent and sexual threat posed by biological males to biological females irrespective of their gender expression. So inherent is the implied threat of biological males that the policy stresses the need not to automatically assume this and act only where there is evidence of the threat. Less noteworthy but still important are the sections of the policy that specify exemptions to privacy and data protection for reasons of security or risk management. This is problematic in prison where risk is a blanket term utilised in any circumstance at the discretion of prison staff. Both instances point to a tendency within the business of risk to drive defensive decision-making practices that can actually create more risk than it purports to mitigate

through the fear of blame and occupational survival (SCCJR, 2009) particularly in relation to Rights based policies that have the ability to manifest as a significant organisational risk to the organisation itself, for example, as a legal or reputational risk (Whitty, 2010).

Therefore, what was heralded as Scotland's relative progressiveness compared to other parts of the UK is potentially less so, depending on how the policy is employed in practice. A freedom of information request (FOI) in 2017 showed the SPS was aware of 18 trans people in custody in Scotland in 2017, but of 12 requesting a transfer (to units housing their identified gender) only 5 were granted. This shows that when taken in context of the wider risk practice for example, that some individuals are assessed as not suitable to be housed in female halls. This poses two distinct concerns, namely, clarity, consistency, and review of what and how 'safe' and 'risky' Trans women are defined; and how best to manage/care for those defined as unsuitable for housing in female establishments but are at increased risk and arguably just as unsuitable to be housed in male establishments. This also belies my own anecdotal experience as a serving prisoner of how staff interpreted these policies, having observed staff complaining of the 'farce' of having to move prisoners 'right away' if they identify as a different gender to the population they are housed with, which is clearly not representative of current practice, but indicates the contention of this policy, which has been the sight of much challenge and debate since being implemented (Murray and Blackburn, 2019). It follows that this policy is currently under review by the SPS (The Scotsman, 2020).

Policy in England and Wales (at least until 2016) was less progressive, as noted in the UK-wide Review of Gender Recognition Act in 2018 (Beard, 2018). Following high profile deaths and harm to trans women housed in male prisons, a subsequent review (Ibid) and policy change

means self-identification is now possible for trans people in prison in England and Wales. However, trans women may still be housed in male prisons south of the border, and this is less likely to happen in Scotland. There is not adequate space to fully discuss the debate around trans people in prison (Corsten, 2018; Murray and Blackburn, 2019; Hines, 2019; Maycock, 2020) but this has been an issue of more recent origin and contentiousness, compared with Lesbian, Gay and Bisexual (LGB) people in prison (ibid). Debate, and arguably moral panic, has focussed on whether biologically male, serious offenders would use gender identity policies as an opportunity for 'easy time' by being housed in a women's prison. Such reasoning says a lot about how we view what prison is and how experiences of punishment are defined differently for men and women. Indeed, the assumed 'easy time' of the female prison implies an imprisonment denial logic in the conceptions of those with a particular view of what a prison is and should be, similar to that applied to male prisons criticised for amenities like television and sanitation, and speaks to what I have often experienced as a complete devaluation of liberty in favour of a hyper-critical focus on a superficially 'comfortable' existence that 'ought to be' far tougher than it is, and certainly for men. It is noteworthy though that in Scotland, despite recognition of the harms of imprisonment and aspirations of a humane prison system with a greatly reduced population, not only does the question 'should we have women in custody?' find no serious equivalent in our political discourse regarding men, we also intend to restructure the female estate into small, therapeutic, community facing, open units, while simultaneously building large, super prisons for men. This would imply that these constructions of what prison is and who deserves to be in them are not just the common appraisal of the general public, but the guiding principles of government and of justice professionals. It also misses and indeed obfuscates the fact that all prisons are harmful, including those for women.

The most open critics of trans people in custody being housed according to their gender identity claim it allows male to female trans women prisoners the opportunity to have sex with women, and more concerning, facilitates access of sex-offenders to offend against females in prison (several high-profile cases have been highlighted with inflammatory and hostile public reaction (Corsten, 2018; Daily Mail, 2018).

Although this dissertation is not focused solely on trans people's experiences, it is important to highlight this because of the way it has divided an otherwise strong consensus of those supporting LGBT+ and women's rights. It has revealed a feminist critique of trans people, that has itself been heavily criticised as an essentialist, biologically deterministic perspective that runs contrary to the origins of the feminist movement, by sounding alarm about the dangers posed to 'real' women (Hines, 2019). The issue has been greatly exacerbated following the recently proposed, and denied, amendment to The Gender Recognition Act 2004 that would have seen gender self-identification awarded equal recognition under the law to that of Lesbians, Gays, Bisexuals, and non-binary people (GOV.UK, 2004).

Despite the intra-UK debate over *trans* people in prison, the UK position Globally is very liberal. Its UK-wide Equality legislation broadly recognises and protects LGBT+ rights. This contrasts with many countries that criminalise and even kill those who are gender non-conforming (APT, 2018).

A report prepared for the Irish Penal Reform Trust (IPRT) Out on the Inside: The Rights, Experiences and Needs of LGBT People in Prison (Carr et al., 2016) focuses on the Republic of

Ireland, though written by academics based in Northern Ireland. It focusses strongly on the victimhood, stigma and violence experienced by the LGBT+ community in the Republic of Ireland as well as the relative hiddenness of this group and their experiences. It speaks to the need for community-based promotion of positive LGBT+ outlets and cultures within custody, making use of such formats as peer support, raising awareness (in ways that challenge the dominant hypermasculine culture of prison towards a more inclusive environment, rather than segregating in ways that emphasise distinctions over common identities). It also highlights the Yogyakarta principles, and a human rights and equality/equity frame generally (avoiding arguments for special rights for separate groups but rather inclusion for all). In the Republic of Ireland, despite a self-recognition system for trans people that is already in place, prisons still will consider natal sex and trans people can end up in the prison of their birth and not their lived gender. Northern Ireland appears to have no specific policy on gender identity, and claimed to have no transgender prisoners (Beard, 2018). It is generally considered the most socially and politically conservative part of the UK (Hayward, 2020).

Within the US, 'Standing with LGBT Prisoners: An advocates guide to ending abuse and combating imprisonment' (Marksamer and Tobin, 2014) – This document was prepared by researchers for the National Centre for Trans Equality (NCTE) to address why prisons are an LGBT+ issue, identifying key risks and needs of LGBT+ people in US prisons. It argues LGBT+ people experience heightened risk of harm and trauma in prison including at greater risk of rape and sexual violence. While not strictly a policy framework, it provides useful information and guidance that can inform policy and presents itself as a toolkit. It echoes much research in evidencing overrepresentation of LGBT+ people in prison populations, noting in the case of children and young people the reasons for this: 'Family rejection, homelessness, and hostility

in the foster-care and other safety-net systems often serve to funnel LGBT+ youth into the juvenile justice system' (Marksamer and Tobin, 2014: 2). The report sets out a list of key issues around which policy, particularly for trans but also LGB+, people in prison is critically important:

- Non-discrimination and anti-harassment policy
- Personal rights of prisoners (e.g., privacy)
- Intake and risk assessment
- Classification
- Housing policies
- Medical care and medication screening and delivery
- Any policies specific to transgender prisoners
- Clothing, grooming, and hygiene
- Searches
- Prison Rape Elimination Act policies
- Other policies regarding physical and sexual abuse prevention

The United Nations Office on Drugs and Crime (UNODC) Handbook on prisoners with special needs (2009) addresses a range of needs including people in prison with a disability or belonging to an ethnic minority, with one chapter dedicated to LGBT+ people in prison. It also emphasises the vulnerability of LGBT+ people in prison both to being victimised but also stereotyped as predatory. It cites evidence that LGBT+ people are 'highly overrepresented as victims of … sexual crimes' (p. 105). It also finds LGBT+ people are more likely to suffer health problems than the general prison population, and as a smaller group that may need

separation from mainstream groups, be housed in worse conditions. It re-states the Yogyakarta Principles, particularly Principle 9 which applies general human rights standards of detention to LGBT+ people as a guide for legislation and policy. As with other reports and policy documents, it advances an aim of changing prison culture:

> 'Management guidelines need to challenge the existing homophobic prison culture in the large majority of societies and make absolutely clear that discrimination on the basis of actual or perceived sexual orientation or gender identity will not be tolerated.' (p. 114)

However, the stance overall is one of treating LGBT+ people as vulnerable and in need of protection, which may lead to policies that emphasise segregation and lack of agency. In this way, it goes against inclusion-focussed approaches like those explicitly guaranteed within the provisions of the Nelson Mandela Rules (2015), named in recognition of the late President of South Africa and held by the United Nations as the world standard for basic humane treatment in custody. These give guidance on all aspects of prison management, particularly the prohibition of torture and limits on solitary confinement and disciplinary sanction.

The so-called Decency Policy is a blanket ruling across all establishments as per the prison rules (NOMS, SPS). It is an umbrella term applicable to all populations and not an LGBT+ specific policy. There is no specific ruling against sexual activity, rather, sexual activity falls within the wide, unclearly defined and openly interpretable banner of behaviour deemed indecent in a workplace or public area which the prison is defined to be. The degree to which it is relevant then seems dependant on the culture of the population in question as, based on the experiences evidenced by participants, this will determine the number of prisoners who

feel safe and are willing to be open with their sexuality.

Overall, in synthesising some key frames of this limited policy overview, I conclude with a few points. Even though the World Health Organisation (WHO) stated that trans is no longer considered a ‘disorder’ in 2019, several documents still use language that frames trans (less so LGB orientations) as a mental health disorder and something ‘other’ from the 'norm'. Even where there is not an overt pathologisation of sexual orientation/gender identity, there is still strong influence of the medical model (psychological assessments, diagnosis, monitoring and vetting, medical treatment) as a means of identifying the needs and interests of LGBT+ people. This is not always the only model, and some of the documents including the UNODC Handbook and the NCTE Toolkit urge prisons to consult with communities outside prison to assist policy development, which is what the SPS did, although they were criticised for doing so on the grounds of policy capture, having been enacted on the interests of a specific interest group without consultation or regard to the wider affected population (Murray and Blackburn, 2019).

Interestingly, despite the fluid, non-binary, socially constructed and arbitrary conception of sex, gender, sexual preference, identity, and their varying independence of one another, underpinning most of the academic and activist thought informing these documents (Cooper, 2016) their application by the prison service across the UK has tended towards reflecting and compounding the very binary gender norms they seek to dispense with. Rather than dispense with a binary definition of sex, prison policy seeks to better define who belongs to which side of the binary, so it may determine where to house, and how to treat them, based on what is defined as appropriate to that distinction, as evidenced by its allocating what it assesses as

'genuine cases' of trans people to appropriate halls; advocating for special trans units separate from male or female halls (Maycock, 2020); or pursuing small scale, community facing units (CCU's) specialising in trauma informed practice for women in custody while simultaneously planning a new 1200 capacity super prison in Glasgow for males, built like all modern prisons in Scotland to a high security specification despite United Nations guidelines against housing those in high security prisons who are not deemed high risk – which would be the majority of the prison population in Scotland and the UK (UNODC, 2016; SCCJR, 2019).

Finally, most of the documents are limited in how they consider the security and vetting processes in prisons, which prisons as institutions perhaps logically wish to guard. However, this shows possible naivety about the nature of power in prison where security trumps all, and specifically human rights (Armstrong, 2018). If applied, will pro-LGBT+ policies effectively create new forms of discrimination or bases for intervention?

Having summarised the situation of LGBT+ people in custody, we will now move to the nature of prison masculinity as the primary cultural signifier and standard bearer in the predominantly male locale of the prison. In understanding the situation for LGBT+ people in custody, it is necessary to understand the dominant culture in which these experiences occur. Through the theoretical lens of Pierre Bourdieu, this thesis will consider how traditional notions of masculinity manifest in the criminal justice system; how this both shapes and is shaped by the prison environment as an institution antagonistic to the modes of masculinity it typically reifies and is operationalised around; and the implications for the gender non-conforming minority attempting to navigate within a governing ethos explicitly defined as antithetical towards them.

Chapter 3 – Bourdieu as a Theoretical Frame

This chapter covers the theoretical concepts of Pierre Bourdieu and their utility in understanding the social and cultural dynamics of prisons. Bourdieu's expansive work on gender, sexuality and masculine dominance (Bourdieu, 2002); social class; institutional reproduction of social norms and harms (Bourdieu, 1977; 1984; 1990); settled assumptions in language and discourse; and symbolic violence (ibid) provides an ideal lens through which to explore the interplay between the structural and subjective.

Bourdieu highlights mechanisms which (re)produce social and cultural distinctions and the degree to which these determine status and power (or the lack of) socially. Defined as anti-Shakespearian, it is not 'to Be or not to Be'', but rather, 'how much we get to Be' in an economy of 'Being' that is unequally distributed. He was concerned with class struggles, where elites could mobilise forms of capital – economic, cultural, and social – to sustain unequal power dynamics, and the dominance of their cultural values and norms (habitus) within fields, encoded as specific rules and criteria (doxa) that dispossess most social agents without similar backgrounds.

Key to dominance is the degree to which taken-for-granted assumptions underpin thoughts, actions, and language that, upon closer inspection, constitute social harm through symbolic violence. Best illustrated as actions and language associated to modes of being so dominant, they are assumed 'natural' and the measure of what constitutes proper and improper, including the misrecognition and acceptance of those who are the dominated or oppressed.

Bourdieu also wrote on issues of gender and masculine domination of society, the upholding of 'natural' social divisions of men and women, and the symbolic violence he credited as

'essential' to the masculine domination of culture, society and of women (Bourdieu, 2002). Bourdieu is similar in this respect to Warner's (1993) writings on Queer Theory that seek to challenge taken for granted notions of mass cultural conformity as normal, natural, and right. Contrary to Queer Theory being maligned as the foundation of problematic identity politics evident in most current activism/advocacy for those non-conforming or constrained groups, like Bourdieu, (despite Warner's critique of Bourdieu's 'fleeting' grapple with issues of sexuality) it seeks to get rid of arbitrary labels and their normative, essentialist, divisive implications, rather than wield them.

Below are Bourdieu's key concepts pertaining to this dissertation.

Habitus is best defined as the ongoing process and product of being and becoming. As we occupy our reality, our reality occupies us, shaped by interactions with new and various fields, a combination of our accrued capitals and embodied dispositions formed through lived experience amount to our 'feel for the game' when navigating social situations, systems and hierarchies called Fields. By embodying what we have internalised from the world, we serve to recreate and reify these Fields for ourselves and others across time -"a subjective but not individual system of internalised structures, schemes of perception, conception, and action common to all members of the same group or class" (Bourdieu, 1977 pp.86). These "internalised structures" and "schemes of perception" structure the subject's (shared) worldview and their "apperception" of the world in which they suppose they exist (ibid).

Capital takes multiple forms, social (who you know) cultural (what you know) economic (what you have). All culminate in one's overall symbolic capital which dictates one's position in a social field. These different forms of capital help to understand social dynamics beyond classic, oversimplified, Marxist/structuralist perspectives emphasising economic capital, with little consideration of the balance of other capitals. Though unmeasurable and subjective,

these capitals are integral to understanding nuances of social fields and the ways some adapt, succeed, or fail within them.

Field refers to social systems, environments and sub-cultures with specific norms and rules known as 'doxa' that social agents must operate within to vie for position and status.

Doxa, refers to the norms and rules that govern a particular field. The modes of being, thinking and speaking that facilitate success within that field. Those norms and rules that have been taken as given. Dominated to the point they are no longer questioned. In this case, the normal or natural modes of masculinity and femininity.

Symbolic violence is best defined as the taken for granted assumptions in thought, speech and action that proliferate oppressive and negative constructions of self and others. The idea that heteronormative, masculine modes of being for example are 'normal' and 'natural' can be taken to imply those who are gender non-conforming in either their sexual orientation or simply their demeanour and mannerism are 'abnormal' and 'unnatural'. The strength of these assumptions can be so ingrained that they are accepted and affirmed by those subjected to them, as evidenced by Taywaditep, (2001) homosexual men rejected effeminacy ascribed to the gay community, presenting as masculine and attracted to outwardly masculine males.

The nuances of Bourdieu's conceptual framework when applied to the closed social world of the prison were powerful in highlighting the complexity of the social, cultural, and symbolic resources one can inculcate and deploy in environments marked by scarcity and conflict. As such, his key terms *habitus* and *field* were integral to understanding power dynamics within custody.

Conceptualising Prison as a Field

Fields are social environments, like institutions, groups, or subcultures (Bourdieu, 1984). They are governed by social codes – culturally specific beliefs and value systems, known as Doxa. These are predominantly founded upon, and reproduce, unequal positions of power between individuals and groups, referred to as social agents. Fields are marked by the competitive relationships between agents for power. Bourdieu claims all social agents do this to some extent to attain anything from status, meaning, belonging or security (Bourdieu, 1990). Social agents bring specific skills and resources to the environment in forms of capital – cultural, economic, symbolic. Attainment and embodiment of capitals, as well as deeply ingrained habits, attitudes, and dispositions, known as *habitus*, depend on the context in which agents were socialised and are indicative of our social history. People from poorer backgrounds for example may have less access to the advantages of economic capital and be highly constrained in terms of what housing, area, education, medical care and even nutrition they can afford. People who are socially disadvantaged may have less access to, awareness of, and place less value on education, art or reading, meaning they may possess less cultural capital and status, so less opportunity to influence decisions than those with more, and even less access to opportunities. This is challenging as even in places of poverty and low socio-cultural status, as with all society, it is the pursuits, goals, values, and interests traditionally associated with the more affluent middle, upper and professional classes that are given primacy, and normalised in discourse, politics, policy, and practice, which is further represented widely in culture through media and advertising.

Each social environment represents a sub-field within a large 'macro-field'. In large institutions like schools or prisons, a number of 'sub fields' operate and interact.

In the macro field of prison, the two largest distinct groups and sub-fields are prisoners, and practitioners (prison staff and civilian workers). Under closer interrogation both prisoners and

practitioners fall into many subgroups whose own fields and cultures will produce variant outcomes which are explored during analysis of our study sample with regard to gender, orientation, classification, and class. For now, we will focus on the broad definitions of groups within the field of prison.

The Prisoner Field

Scotland's prison population is predominantly comprised poor, working class males from impoverished backgrounds. 40% come from the 20% most deprived areas in Scotland (Houchin, 2005) with (relatively) higher rates of crime; problem substance misuse; physical and mental ill health, abuse, or trauma; bereavement; low educational attainment and employment opportunities. They also suffer higher rates, and more negative experiences and perceptions, of state services such as school; police; courts; social work; secure care; and previous experiences of imprisonment, than the general population (SPARC 2020; Vaswani, 2018; McAra and McVie, 2010). 42% of adult prisoners report being permanently excluded from school. A larger proportion of prisoners were assessed as having English and Maths at entry level 1-3 (expected primary school levels) than Level 1 and 2 combined (GCSE level). One third of prisoners self-identified on initial assessment as having a learning difficulty/disability. An estimated 14% have a history of psychiatric disorder, 7.3% self-harm and 78% test positive for illicit substances at reception (Tweed et al., 2019). Three fifths of prisoners leave prison without employment or an education or training outcome (Coates, 2016). Two in three prisoners are unemployed at the point of imprisonment, 13 times the national average (SCCJR, 2018). Despite a 21 year low in reconviction rates, 26.3% are reconvicted within one year (GOV.SCOT, 2020).

Within the majority prisoner (adult, male, mainstream) social field, the predominant and valuable objective positions available are strong working or under class identity; anti-authoritarian/state attitudes and behaviours; anti-educational attitudes; pro criminal attitudes and behaviours; strong criminal networks; previous experience of imprisonment; strong male/heteronormative and hypermasculine persona; and in Scotland, being white, as the overwhelming majority of both the prison and general population (SCCJR, 2019).

Race is a hugely important factor in most western prisons as minority ethnic groups are greatly overrepresented in prisons (Philips, 2012) though this links to social class as these groups are overrepresented within poorer communities. Scotland is unusual among westernised countries, fluctuating from a 96% - 98% white prison population, in line with or higher than the overall population of the country (SCCJR, 2019). This does not minimise that some groups are more exposed to systems of privilege and socio-symbolic domination, and Scotland's minimal black population is still unfortunately overrepresented in prison compared to the general population (ibid). This small minority population however means Scottish prisons differ from the overtly racialised culture typical of many western prisons, with an emphasis on the class and postcode, rather than colour, of those it imprisons.

In my own experiences of custody, demonstrating the necessary Habitus to fit the prisoner group may involve everything from appearance – the right haircut, or clothing (if they are allowed their own), wearing the right brands, and particularly football strips or colours (Moorehouse, 1984). This has strong class heritage in the UK and Scotland. Some prisons even prohibited team shirts to reduce bigotry and violence. Clothes are also important relative to class as, despite the dominant class being signified by the extent of its deprivation, even to the point of competitiveness [my bit's rougher than your bit], wearing expensive

clothes is a sign you are 'doing well out there' and actively involved and earning through criminal activities.

Another point to note is the way men (especially young men) carry themselves in prison, their body language, walking with a swagger, tightening their back, and puffing their chest to say, 'I'm hard, I'm up for it'. As such it is unsurprising that the pursuit of a large muscular build in the prison gym is a common pastime for young men (myself included) aiming (in significant part) to form a hard or imposing exterior to hide inside for protection and to feel secure within themselves, and intimidate others (Earle, 2015).

Accents have strong connotations of class and place, and retaining, embellishing, or even adopting a strong working-class accent – even one not local to them – is commonplace. In HMYOI Polmont for example, it is not uncommon to hear someone from Arbroath or Fife with a strong Glaswegian [2] accent – the largest group within the prisoner population, with Glasgow having a greater reputation and association with crime and violence than other areas in Scotland (SCCJR 2019; BBC, 2005). Adopting the markers of the dominant group, consciously or not, can be viewed as self-preservation by way of blending in and hiding one's minority markers which may leave them vulnerable.

Anti-authoritarian attitudes can be demonstrated openly in small ways. Being closed-off and having little interaction with staff and services, or minor infractions and disrespectful attitudes towards staff and regime. More serious subversions may include possessing illicit items or openly acting against staff and the establishment, either by force or protest, including organising others. Even without rule breaking, simply rejecting the system and any support services and opportunities it offers (social work, addictions services, employability,

2 Person from the city of Glasgow

education, vocational training courses, mental health support) as pointless and 'keeping [practitioners] in a job' or 'giving them ammunition against you', effectively demonstrates contempt for the system. Conversely, one can work within the rules but consistently complain and fight via the official complaint's procedure.

The former, more volatile behaviours also include further criminality and criminal networks as behaviours in custody, such as possessing and using weapons, drugs, alcohol, and mobile phones are all punishable by courts and can lead to further sentences. For pre-existing criminal networks, just having ties to big names in the criminal world can elicit prestige and favourable treatment from others who hope to ingratiate and benefit from such relationships in some way, be it economic gain, social status, security or all combined. Many in custody claim to be associated with people they are not or play up loose connections (my big cousin is best mates with X). For people from areas and with connections less well known, they may feel obliged to strongly express and affirm the clout of these connections. Being an active criminal while in custody – selling drugs, building up organisations and contacts in prison using mobile phones – is considered a favourable objective, even for those not previously involved prior to custody. Being prepared to use violence is also desirable, and someone considered tough and 'up for it' can garner great respect and influence through acts of violence.

Masculinity within prison settings

All can be framed in terms of performing hegemonic masculinity – the dominant style of masculine performance in Western societies traditionally receiving most social approval and inculcated in men as the ideal way to 'Be' as it offers men the greatest deal of social standing (Evans and Wallace, 2008). This maleness is characterised by four features, power;

ambivalence toward femininity (in men); domination and objectification of nature and psyche; and avoidance of emotion (Garde, 2003). This is especially prevalent amongst young working-class men of all races, offering instant access to power (usually to their detriment) that they would otherwise be denied due to their poor socioeconomic status (Messershmidt, 1993). Prison is a bottleneck of essentialised and amplified 'hypermasculinity' with a focus on outwardly tough, strong, macho, rebellious and violent attitudes, and traits (Toch, 1998) that are respected, or at the very least are deferred to, by the majority, even if not wholly embodied and enacted. Both hegemonic and hypermasculinity are extremely heteronormative and tend to feminise, dominate, and hold contempt for anything unbecoming of the masculine ideal in other males – weakness, effeminacy, and homosexuality. This can even be evidenced in the attitudes of LGBT+ persons themselves, with gay men valuing heterosexuality and not wanting to be 'screaming queens' (Taywaditep, 2001). This has potentially serious implications for LGBT+ people in custody.

The Practitioner Field

Frontline staff are the vast majority of the prison workforce, the majority of whom are also from working class backgrounds themselves. For this group of practitioners then, there is a strong case to be made that this is indeed a working-class occupation. However, the institution, and certainly the professionals setting prison policy and providing governance – government ministers, civil-servants, psychologists, social workers, risk practitioners, healthcare professionals and teaching staff who's direct governance and authority is particularly pronounced in prison settings relative to that of front-line staff– represent a field dominated by middle-class aspirational benchmarks of good citizenship, upon which it is those in prison's responsibility to succeed or fail in achieving, depending on their receptivity

and willingness to engage with proscribed mechanisms of rehabilitation, such as education, vocational training and cognitive behaviour programmes (McNiel, 2016; Morrison and Maycock, 2020). Front-line staff, regardless of their own class background, are duty bound to facilitate and enforce the dominant paradigms within this field. While it has been argued that the culture of the institution will only change and operate as aimed with the support, or at least, the 'non-opposition' of front-line staff (Morrison and Maycock, 2020), those in custody must accomplish the good citizenship criteria set forth by the dominant paradigm in order to be released, regardless of the willingness of front-line staff to support them or not in doing so. Since the middle class has become dominant in western modernity following the industrial revolution, middle-class values hold cultural capital and hegemony over western modern cultures (Bourdieu, 1984; 1990). Middle-class values are thus imposed through economic and cultural means so that those living within the bounds of western modernity typically must conform to middle-class expectations to gain access to wealth or cultural legibility (Clarke, 2007; Wilson and Bloomfield, 2011). The prison and its staff are not only agents of the state, but both the symbolic and literal manifestations of punishment for transgression of, and threat toward, the state and those core values. It is then necessary to consider the effect this has on practitioners' interpretations of what 'type' of person comes into prison? And what or who they 'ought' to be upon returning to the community. Evidence suggests that there is little faith in the efficacy of rehabilitation or of the SPS's desired rebranding as a 'citizen recovery service' by recent prison officer recruits, of a mind that tougher more punitive sentences are the only recourse for the inevitable actions of bad people (Morrison and Maycock, 2020), We might also consider the truly antithetical nature and subsequent effect of the institution itself on its largely working or under-class population, a large neo-liberal bureaucracy filled

with forms, files and folders of risk assessments, and perpetual demonstration of progression through self-evaluation.

The dominant power positions in adult/majority male establishments in the UK then would be white, male and middle-class, at least in terms of what is enacted and enforced by staff – the will of the institution – even if not reflective of staff members themselves. Also dominant would-be paternalism and heteronormativity, given the prevalence of male, heteronormative staff and the objective of authoritarian control over an actively infantilized population; pro-state attitudes to services; and anti-criminal attitudes and behaviours. The ideal habitus then for those in prison to successfully navigate these dominant positions would be – compliance with institutional order and avoiding conflicts and sanction. To be or to become educated and able to understand the rules, due process system, and to effectively engage and challenge practitioners such as submitting self-representations, complaints and parole reports. To show a willingness to engage with services and the regime, such as seeing the value of things like education, vocational training and support agencies, and by displaying the confidence to articulate and assert your point to practitioners; and by rejecting pro-criminal attitudes and behaviours and embracing the state.

Subsequently, prisons, and the practitioners enacting their policies, seem set in direct cultural opposition to those who comprise the prisoner group. Much like Bourdieu's work on schools promoting middle-class aspirations that (re)produce inequalities faced by working class children (Bourdieu, 1990) prison has managed to further sanction and entrench the problems faced by the most disenfranchised and ill-suited to understanding, adhering, and challenging its regulations in a self-reinforcing hierarchy (SPARC, 2017; Hastings and Mathews, 2015). Class values and relations in a higher education context in the community setting reflect a cultural denigration of the working class, as a state of 'fugitivity' (Loveday, 2015) being of a

deficient or subordinate culture that must be escaped from by embracing and enacting the memes, methods, and desirability of upward mobility to pass as middle-class. One must, at least in part, accept their own denigration as part of their 'heroic' aspirational drive to enrich their capitol and transcend their working-class position – it is a positive to escape the negative (Loveday, 2015). This is taken further still in the prison context, where the prisoner cohort can effectively be viewed as a distillation of the worst social mores of the working, lower or under-class. It is therefore incumbent on those who wish to advance through the prison progression system and gain access to institutional privileges and their earliest possible chance of release, to both accept their denigration, and evidence their transcendence through compliance and participation with the regime. Whether face value or genuine, those who understand what is required, and are able to 'perform' both identities at the right time and context, will fare better than those too far to either side (SPARC, 2017).

There is of course a great deal of variation within this, and less traditional white collar, middle and upper-class prisoners can, and do, find a niche, and fall relatively no foul amid the majority, carving out a place supporting others in the reading and writing of letters, explaining, and challenging rules, assisting complaints, programmes, progression, and appeals procedures (Jewkes, 2005; Benson and Cullen, 1988). Given the dire state of professional and academic attainment for the working or underclass majority, there is ample opportunity to utilise one's middle-class capitals in this way, and I have seen several people in prison do this, albeit suffering the occasional clash of cultures along the way. Conversely, traditional under, working and lower middle-class prisoners who just keep their head down and do what is required of them can pass through the system relatively smoothly without difficulty from practitioner's or bureaucracy. Some, like myself, also adapt and utilise the regime and available services very well to attain academic and vocational skills and fulfil a similar niche in

the prison community as those who arrive from more advantaged backgrounds. However, it has been my personal experience that those starting from a middle class or professional background are better able to recognise and so utilise from the outset what the institution presents as valuable, having inculcated these norms prior to custody, and can navigate the institution (rather than the population) more efficiently, and successfully than their non-inculcated counterparts. Indeed, research suggests that white collar criminals may possess personalities and social resources that enable them to adapt and cope with incarceration, advocating 'special resiliency' in adapting to the institution (Benson and Cullen, 1988). This is not to suggest middle-class people have a better or easier time in custody, rather, they may find it much more difficult to live within the prison population, perhaps feeling more afraid, isolated, and unwelcome than most, though evidence points that this group actually reported having and maintaining friendships in custody at a higher rate than more serious and class typical offenders (ibid). But it may be easier for them to understand and adhere to what the institution offers and requires, including securing progression to more open regimes and release on licence or HDC at the earliest stage possible. There could be a valid argument that eight months as an outsider to the majority population is more difficult than sixteen months for those who are accepted and comfortable within this population? However, the amount of time one spends there is arguably the more meaningful metric.

Regardless, it has been my personal experience that the custodial journey for both can still be difficult because of the dominant paradigm of conflicting class norms, values and aspirations between peers, staff and with the running of the institution relative to the cultural expectations, limitations, and perspectives from which they are all subjectively and objectively positioned.

Be that as it may, prison is ultimately a macro field with a middle-class aspirational ideal of citizenship that does not correspond with the realities and difficulties faced by its population. Nor can these ideals truly transcend their inherent tension between its primary literal and symbolic function as a place of punishment and exclusion from society which supersedes its secondary caring and rehabilitative function (CYCJ, 2017). This is perhaps best illustrated by the dichotomy of governments who invest in the premise of prisons as sites for citizen recovery, yet vehemently deny those in custody something so symbolically significant to the concept of citizenship and rights, as the right to vote. This example is particularly noteworthy as, despite this being ruled as against the human rights of people in prison by the ECHR, the then Prime Minister David Cameron famously refused to follow the European Courts decision on the grounds that the idea made him 'physically sick' (bbc.co.uk/news, 2017). I make no claim that the current dynamic and inherent tensions of prisons and their function in society is intentional on the part of those in positions of power to fail or ensnare those deemed problematic in society, rather, it is a consequence of an institution governed by competing and conflicting goals. It is noteworthy however that the things prison promotes to better oneself in custody like education, vocational training and offence focussed therapeutic course work, are all extremely proscribed or very basic. Despite its aspiration to emulate the progressive, liberal and rehabilitative penal policy typified by the justice systems of Norway and Sweden, with a strong ethic of facilitating self-development (SPS, 2016) Scotland's prison service has few meaningful opportunities to this on any kind of scale. In considering education as one means of pro-active self-development for example, the SPS recently changed its entire education provision (Fife Chamber of Commerce, 2017) decreasing the number of qualified teachers while simultaneously increasing their responsibilities and decreasing the number of higher learning opportunities and spaces for critical engagement,

favouring basic, point and click, E-learning modules (Fernandes et al., 2018). Furthermore, despite the SPS's surface ethic, and likely intensified by its decision to water down its educational provision, education remains widely devalued, not just by the prisoners who place little cultural value on educational attainment, but by practitioners who frequently echo the beliefs of the prisoner cohort – 'what's the point? What can You do with qualifications if you have a criminal record?' (CYCJ, 2017; McMillan, 2018). Equally disturbing with regard to the SPS's commitment to facilitating and supporting the processes of 'citizen recovery' (Morrison and Maycock, 2020), is the decision to suspend its Throughcare Support Service (TSS) and reassign all Throughcare Support Officers (TSOs) to Prison Officer roles, highlighting pressure on the service to cope with the internal running of Scotland's increasingly overcrowded prisons at the expense of managing the effective transition of those in custody back into their local communities, despite this process cited as the SPS's strongest area of performance in preparing and supporting those in custody back into community life (Howard League Scotland, 2019).

LGBT+ People in Prison

Having established key features of prison as a field and the primary (broad) distinction between those in custody and the practitioners within it, let us now consider the potential conflicts faced by LGBT+ people in prison.

LGBT+ people are reported to experience higher rates of mental health issues, negative experiences of school, poverty, homelessness and contact with the criminal justice system than the general population in almost every liberal democratic nation in the world (Meyer, 2017). Even Scotland, cited among the most free and liberal places in the world for LGBT+ people, meeting upwards of 90% of desired equality legislation, and where positive progress

is evidenced regarding public attitudes and legislative practices (GOV.SCOT, 2017). In the US, only 3.5% of the general population are recorded as LGB but 5.5% of the adult male population and 33% of the female population are sexual minorities (Williams Institute, 2019; Meyer, 2017). This would suggest similar disadvantages for LGBT+ people as most people entering custody, coming from socio-economic and cultural environments not conducive to navigating the prison institution. However, LGBT+ people are also more likely to attain higher education up to degree level, despite being overrepresented in deprived communities (GOV.SCOT. 2017). Additionally, several LGBT+ participants in this study had higher educational or senior professional experience and some came from more affluent areas.

In any case, whether one can or cannot competently navigate these aspects of the field, to what degree do they 'trust' the institution and its actors who are, despite any secondary duties of care, set primarily in opposition to them by virtue of being a captive in an institution designed to punish, scrutinise, and rehabilitate them. It is important to note the ability to recognise and fight for these rights are not a guarantee that they will be honoured by practitioners. Those with working knowledge of the rules who regularly complain can be labelled troublemakers despite operating within approved institutional mechanisms. Institutional mistrust cannot be dismissed simply as a symptom of those who do not understand and so fail to navigate these mechanisms.

'Gender Identity and gender reassignment policy for those in our custody' (SPS, 2014) states a Tran's representative would be present at all case conferences relating to a trans prisoner, but this is just one specific aspect for one sub-group. It is unclear if this could be extended for all LGBT+, or if this would be a concern for the equality and diversity officer who is ultimately aligned with the institution and cannot be wholly unbiased (perhaps through loyalty or job security concerns) towards the institution and their colleagues. The introduction of more

permanent independent LGBT+ health and wellbeing representatives may be worthwhile to safeguard the interests of LGBT+ people in custody. However, as has already been seen with NHS, these supposedly 'independent bodies' become aligned with the institution and its practices and so represent the same potential concerns as officers (SPARC 2016).

As well as potentially being less likely to possess the necessary *habitus* to navigate the institution, LGBT+ prisoners then face the issue of being outside the 'normal' heteronormative and hypermasculine prisoner cohort. Masculinisation of the ideal self (strong, powerful, independent, heterosexual) defines itself in opposition to that which it is not (weak, dependant, effeminate, homosexual) and is positively correlated and evidenced as an underlying factor of hostile sexism and negativity toward gay men (Kilianski, 2003). While male hierarchies in prison are defined by hypermasculine, overtly violent and heterosexual 'heavies' at the top, and young men; gay men; transsexuals; and the physically weak at the bottom (Denborough, 1995).

There is a great deal of international concern over the abuse suffered by LGBT+ people in custody, particularly in America where prison rape is used as an act of domination (APT, 2018; Egelund, 2014) demonstrating one's masculinity by stripping another's manhood. This mirrors historical cultural distinctions not of the sexual act between males, but of what it is to one's social status as the agent or the submissive (Bourdieu, 2002). Though reports of physical sexual assault in UK prisons are low, this is not to say it does not happen or is not more prevalent and could be down to gaps in how we collect data and handle reporting. Indeed, several participants for this project claimed to have been raped in prison. However, lived experience, availability heuristics and the literature indicate this is no-where near as prevalent in the UK as the US.

But even where situations are not overtly hostile and sexually or physically violent and are in fact well-meaning, the willingness of the majority prisoner cohort to engage in ''friendly'' derogatory banter with LGBT+ prisoners can, in my experience, prove uncomfortable, especially when several prisoners make jokes towards just one. For example, in my role as a peer supporter in prison, a gay man in custody once confided in me his frustration that he got 'slagged' more about his sexuality by his friends than by anyone else, and that this was the sole focus of their humour. Despite intended malice being absent from this 'banter', those subjected to it persistently can still be hurt as a consequence. Moreover, the fact that being LGBT+ remains sufficient to reduce that prisoner to the butt of every joke, speaks to the place of LGBT+ on the traditional masculine hierarchy. Something that is subordinate and acceptable to deride. Importantly, and particularly for those LGBT+ from poorer areas where hegemonic masculinity (that subordinates homosexuality) is seen as quick access to power, they are likely to have undergone similar experiences of stigmatisation, discrimination, and abuse prior to coming into custody also.

The dichotomy of the heteronormative, masculinised, middle/upper-class, neo-liberal, bureaucratic institution, and the dominant heteronormative, hypermasculine, working class prisoner cohort, presents a difficult social environment to navigate successfully for anyone. But LGBT+ prisoners may find themselves uniquely disadvantaged from the outset. To be gender non-conforming in such an overtly and deliberately gendered space, arguably leaves LGBT+ people in custody with even fewer resources to draw on than the already disenfranchised majority population, who's normative cultures of gender and class are at least regarded or deferred to as ideals, despite their most extreme manifestations being dangerous, sub-optimal and just as unrepresentative and imposing for them.

Chapter 4 – Masculinity in cultural and penal context

Having adopted a Bourdieusian lens to understand prison as a field in which sex and gender is a crucial part of the doxa/habitus of capital, it is important to consider how ideas of masculinity in Western and UK society are studied and conceptualised within prisons. This chapter will cover a brief history of what has become accepted in Western societies like the UK as traditional masculinity, and how that is manifested, imported, and ultimately warped in the context of prisons. It will also attempt to offer a counter or more balanced perspective of these constructions and the common discourse of sex and gender more broadly, in the hope they may not be galvanized further, and particularly when developing future sex and gender-based policies and practice, most notably in this case, but not limited to, those concerning LGBT+ people in custody, for whom sex and gender norms are fundamental to their treatment in society and custody.

Genealogy of Masculinity

Masculinity did not come under serious critical analysis until the end of the 20th century. It had previously been rooted in essentialist understandings related to biological factors of physical strength and traits of aggression. It was assumed as 'natural' for men to be more powerful, aggressive, competitive, and independent than women, and so occupy a higher value and status socially (Josh, 2011: Beynon, 2002). Conversely, it could be argued that men's labour and protection is valued highly, while their literal lives, are far more expendable and less valuable than women's, since women's reproductive and caring role ensures the continuation of a given people (Seer and Mace, 2008). These 'natural' facets of men and women were deployed in early criminological theory, as in the work of Cesare Lombroso,

where biological sex behaviourism has and continues to shape ideas about 'normal' and 'deviant' gendered behaviours (Woods, 2015). This has been argued as discriminatory for women in the justice system suggesting female criminality is a 'betrayal' of gender, and privileging males, whose criminality is normalised as men 'doing' their gender, "[male offenders] tend to be constructed as having a sense of agency and rationality in their offending behaviour" (Horn and Evans 2000: pp. 185). However, arguing men are privileged to have the worst behaviours and traits of humanity assumed as naturally inherent to them is highly problematic, and we may want to consider what the taken for granted assumption of men's inherently violent, aggressive, predatory, deviant and sadistic nature means for society's feelings of punishment and retribution for incarcerated men?

Throughout the Middle Ages, women's qualities and roles were said to be conceptualised by male-dominated religious orders that were part of equally male-dominated societies. However, it is important to note that in these points in history most men did not hold positions of power or prestige; rather, 85% of people, half of whom were men, in the Middle Ages were peasants and serfs, legally bound to landowners and occupied in physical labour, meaning most men suffered greatly alongside most women, leading very difficult lives together (Roser, 2019; Bovey, 2015).

In the Anglo – American Imperialist context, we see the prominence of men and masculinity as embodied by the white, citizen/soldier – a strong, capable provider and warrior carving out opportunity and a future for his family and his country (Josh, 2011). But contrary to this and the notion that men have always had rights, most men, white included, in what are termed the modern west were not citizens. Most did not even have the right to vote unless they were wealthy property owners or aristocrats until relatively recently, such was the case in UK right up until the Representation of the People Act in 1918 (UK Parliament 2020). Prior to this, and

unlike their female counterparts, all shouldered some form of taxation without representation and could all be conscripted to war for the potential and likely forfeit of their lives (Knowland, 2020).

In the UK, through the Industrial Revolution and in Beveridge's post war welfare state, we see gender and gender relations envisioned as the heteronormative family unit, with males as the breadwinners, working hard to provide for the family while women tended to the home and cared for their children – the next generation of workers (Beveridge, 1942). Typically criticised as confining women to the drudgery and dirty work of the home while men went out into the world, again this criticism seems to focus on the desirable professions of the middle and upper class such as office workers, civil servants and politicians (who's class and financial status would mean their spouses would command staff and unlikely to be engaged in the drudgery or dirty work of lower class women either) and completely disregards the horrendous, dangerous and debilitating conditions of the men working in heavy industry at that time (Orwell, 1965).

The emergent trend was the utility of men's hard physical strength as applied to labour and their aggression and competitiveness, which saw them deemed 'naturally' more suited to survive the perils of and prosper in the harshness of the outside or 'real world' while women were deemed 'naturally' more suited to the assumed relative safety of the world of the home and domestic/caring roles (Josh, 2011). This was the prevailing discourse of men's and women's 'natural' gender roles and subsequently inherent gendered traits, well into the 1970s, when second wave feminism emerged to pursue various strategies of gender equality (first wave feminism culminating in the early 20th century suffragette movement, though this is contested as a separate movement). The focus on the outside world of men, their physicality, and their dominance has also been criticised by dissident feminists like Camile

Paglia, for selling short the power and status women commanded over the family within the domestic sphere, and their necessary physical prowess given the hard labour involved in keeping a home, particularly in the pre-modern and agrarian era. She is also among many critics of the dangerous and undesirable occupations that are necessary to maintain society but go unacknowledged by traditional feminist critiques of the prestigious world of work verses the drudgery of the homestead. Often referring to the invisible army of working class, blue collar men in heavy and dangerous industries where physicality may indeed be critical, and that see men make up 90% of all workplace deaths, Paglia criticises the women's movement for ignoring the gendered skew of these 95-99% male dominated and unglamorous positions, focussing instead on the middle and upper-class professional careers that while also dominated by men, are not reflective of the realities and opportunities of most men despite being cited as indicative of a universal male privilege under patriarchy (Paglia, 2017).

Feminist, anti-sexist and anti-essentialist critiques and challenges of gender constructions have come a long way (Macinness, 1998). Gender is now viewed less an inherent trait, more a social construction, and in western cultures like the UK today, we see much more fluid and hybridized constructions of masculinity and femininity (ibid); we also see far greater gender equality and egalitarian views and rights legislation; and far greater acceptance, at least measured by legislative and policy progress (though see the critical issues raised in chapter 2), of equal recognition, and rights for homosexuality, transgender people and non-conforming or non-binary gendered people than in any point in history. Social constructivists argue that beyond our genitals and biological capacity for childbearing, there is no difference between men and women, personality traits and nature are not inherent in any way but are socially constructed and instilled in us through a process of socialisation representative of the time

and place we are socialised, and that masculinity and femininity are resources to be drawn on by both men and women (ibid).

There is however much criticism and tension of this from parts of the scientific community. This is especially true of biology (Wright and Hilton, 2013), with an almost empirical consensus of evolved physiological binary sex differences, evidenced across all sexually reproducing species by the gametes they produce, either large non-motile (eggs) or small motile (sperm) cells – something true even in intersex people regardless of chromosome composition – and so rendering the assertion of a 'spectrum' of biological sex as wrong at every conceivable level of resolution (ibid). This same consensus extends to evolved psychological differences as a consequence of our differing embodied development that manifests in behaviour, often referred to in humans as gender, but commonly known across all sexually reproducing species, and so in no way unique to humans, as 'sex role'. This perspective argues that the socially informed and constructed part of us cannot wholly remove nor supersede the biological superstructure in which it operates – a structure shaped by evolutionary pressures on the reproductive fitness strategies of two distinct sexes – and while arbitrary, oppressive, and discriminatory customs unfortunately become enshrined in epochs of culture and history that can, do and ought to shift over time, these manifest differences within sex role remain. Most notably this can be seen where social differences are flattened to the greatest degree in what are considered the most egalitarian countries in the world, in this case Scandinavia, yet (biological) gender differences in sex role in these countries are the most exaggerated and traditional of anywhere in the world where men and women can be said to have the freedom to 'choose', known as the Gender-Equality-Paradox (Stoet and Geary, 2018; Richardson et al., 2020; Breda et al., 2020). This perspective continues to insist on an understanding of biological and behavioural difference between the

sexes as the best way to inform policy and practice and ensure wellbeing (Peterson 2017; Harris and Weinstein 2018: Soh, 2017). Oddly, those who advocate against such differences are overwhelmingly represented in academia – the source of the intellectual output that informs the narrative of gendered constructions of crime and criminality. The now common understanding of men as agentic, predatory and in need of punishment, while women are passive victims devoid of agency and in need of understanding (Heidensohn, 1996) has arguably reified the same binary perspective that innate or biological understandings of sex differences are feared by its critics to perpetuate. This has defined what male and female issues are, and by extension, are not, and so defined what relevant responses and interventions should be.

A holistic view of the ongoing debate on gender and biological sex reveals continued conflict among experts and policy makers on both sides regarding: the meaning, nature, and relevance of masculinity and femininity past and present; the extent of our socially constructed versus our biological existence; the validity of our cultural progress in recent decades; and, ultimately therefore, the direction to take in directing future policy. Currently, despite critical gender studies, the policy and cultural landscape is still predominantly heteronormative (Beynon, 2002). There is still a strong residual sexism and homophobia in many areas, and among substantial numbers, a nostalgic longing (at least in Western cultures) for the old essentialism of traditional masculine and feminine identities, where images of the 'He Man' are still widely celebrated in media and popular culture (ibid). The point of this discussion is not to deny that there are masculine and feminine identities, nor is it to galvanize them as all determining monoliths, but to note that some gendered norms do and will invariably persist, and our human tendency of cultural/social interpretation, codification and rigidity with regard to these differences are all too often problematic (as our are

conceptualisations, histories and narratives about them) with a very real impact in terms of life chances, experiences, and trajectories for which there is no simple response to mitigate. The pertinent example of this is prison. Prison is a deeply gendered institution in every part of the contemporary world. The lowest rate of male imprisonment is 90% in the Americas. Ninety-three percent of UK prisoners are male (Maycock and Hunt, 2018). As such the relevance of masculinity in structuring, being structured by, and as a performance or expressed identity within prison must be explored in relation to the lived experience of a custody setting and particularly in relation to sexual orientation and non-conforming gender roles.

There are two forms of masculinity typically emphasised in the context of prison, accounting for the bulk of the academic literature, and underpinning much of the popular cultural and media conceptions and discourse around prisons and the people in them: hegemonic and toxic masculinity. These are not the only forms of masculinity considered relevant in this dissertation by any means, as will be discussed in further sections, but their primacy and influence within the discourse on masculinity in prisons is such that they must be contended with.

Hegemonic Masculinity

Hegemonic masculinity refers to successful ways of 'being a man' at a specific historical and cultural period. Where hegemony occurs, it serves to create and police gender normativity and in so doing differentiate itself from subordinate 'unnatural' masculinities (Tosh, 2011; Symkovytch, 2018). Hegemonic masculine ideals are historically defined in European (Western) culture as how 'real men' look and act (Connell, 1987). Partly constructed in relation to that which it is not, the ideal of Western masculinity is said to be achieved through

the domination of women and the inter-male dominance of subordinate masculinities and especially the stigmatisation of homosexuality and effeminacy (Connell, 1987; Frank, 1987; Kupers, 2005; Tosh, 2011). Hegemonic masculinity imposes a structure of heterosexual gender relations giving rise to the notion of heteronormativity, argued by Cohen (1997) and Warner, (1993) as the oppressive, stigmatizing, marginalizing of perceived deviant forms of sexuality and gender, that make self-expression more challenging when that expression does not conform to the established or hegemonic norm. Conversely, hegemonic masculinity has also been criticised as an oversimplified and deterministic conceptual system whose sole focus on power and dominance takes little stock of what men and their motivations really are, and how they think, act, speak and navigate the social world (Moller, 2007). In any case, further research shows that contemporary masculinities as they can be understood are shifting as young men and boys eschew the more rigid forms embodied by previous generations (Anderson and McCormack, 2014) and while significant issues persist, particularly when intersecting with class and social disadvantage where prison is concerned, these shifting masculinities are imported with every new generation of people in custody and of staff, shifting, albeit slower than wider society, the nature of the current and evolving dominant hegemony.

Toxic masculinity

The concept of toxic masculinity is used in academic and media discussions of masculinity to refer to certain cultural norms that are associated with harm to society and to men themselves. Toxic masculinity is perhaps to be understood as a pathological or extreme example of hegemonic masculinity. It involves the constellation of male traits such as extreme competition; insensitivity and lack of compassion or consideration to others; incapacity to

nurture; fear of dependency; a need to dominate and a readiness to resort to violence that serves to foster domination; the devaluation of women and subordinate masculinities (i.e., men who exhibit feminine traits and are so weakened and effectively feminised); homophobia, and wanton violence (Kupers, 2005).

This concept has gained prominence in popular parlance with vocal radical feminists in the media, and the term has begun to encompass 'traditional' masculinity itself, rather than being distinguished as its extreme manifestation. Fourth wave feminists like Lisa Wade for example, claim masculinity is a "hazardous ideology" arguing men must renounce the ''dangerous idea'' of masculinity and "denounce anyone who chooses to identify with it'' as ''The problem is not toxic masculinity; it's that masculinity is toxic," and "simply not compatible with liberty and justice for all." (Blair, 2017).

The American Psychological Association (APA, 2019) has now went as far as to categorise conventional masculinity as harmful, casting what it terms the pillars of masculinity – self-sufficiency, acting tough, physical attractiveness, rigid gender roles, heterosexuality, and homophobia, hypersexuality, and aggression and control – as producing toxic forms of behaviour and belief. This has led to some reactive concern about an attack on traditional masculinity.

Both the toxic and hegemonic models cited here are considered dysfunctional and promote potentially damaging behaviours and are positively correlated with negative impact on mental health, adverse emotional developments and higher rates of violence, risk taking behaviours, involvement in crime and imprisonment, and suicide (Jewkes, 2005; Jansz, 2000; O'Neil et al., 1986). What is more concerning, given that the prison environment and culture is one where the predominant focus and fear centres on such manifestations of masculinity at both the human and institutional level – the language of self-sufficiency, physical toughness, emotional

stoicism, and a willingness to use violence, are reflected in policy narratives of agency and risk, and in decisive claims about the distinct criminal motivations of men, that leaves very little conceptual or discursive space for the multiple and more inclusive forms of masculinity discussed further on.

Class and prison

There are strong correlations between toxic and hegemonic masculinities and working-class men, which has in turn, allowed working class men to be criminalised. For Jewkes, criminal behaviour in society could be argued (to a degree) to be '…a learned response to the imperatives of masculine hegemony' (Jewkes, 2005: pp. 44 in Nichols, 2016: pp. 95). Working class males are more likely to embody and engage in risk taking behaviours, interpersonal violence, crime, and end up in custody, bringing with them a masculine ideology and habitus preparing them for life inside, which is then magnified by the prison environment (Jewkes, 2005; Toch, 1995). This is a notable correlation with the strong working-class male rejection of middle-class aspirations in both the workplace and the school system, evidenced in the time of industry but continued in culture after its demise, and saw a feminizing of education in the school system, with boys demonstrating their masculinity by actively not trying, and the rise of ''Lad culture'' in the 90's (Beynon, 2002). While middle-class professionals were likely to exert power through their position or wealth, working-class males were more likely to do so physically and indeed working-class masculinity, particularly that of adolescents and young adults, is traditionally marked by demonstrations of physicality, bravado, drinking, fighting (especially gang fighting and football violence) and aggressive heterosexuality by way of homophobia (so ingrained was this that earlier generations of masculinities scholars such as

Kimmel, (1994) actually viewed the performance of masculinity as the performance of homophobia) and the pursuit and domination of women (Kupers, 2005). This dynamic of more physical aggression and homophobia among working-class males is of great significance in analysing the culture and environment of prisons when considering most of the prison population comes from the poorest backgrounds (SPS, 2018: Jacobson et al., 2017; Houchin, 2005).

Class is a significant factor in this dissertation's critique of current social science/justice narratives on race, gender, and power, particularly the more extreme yet increasingly prevalent feminist definition of patriarchy as an entire system of oppression built on entrenched and explicit misogyny and the exploitation and brutalisation of women for the benefit of men as a group (Higgens, 2018). This often blunt and monolithic concept tends to focus on systems that produce more men than women in the top 1% of CEO positions of fortune 500 companies and tends not to factor in the substantial over representation of males in low paid dangerous employment, workplace deaths, suicide, homelessness, overwhelmingly as victims of interpersonal violence and homocide, and most aptly in this case, over 90% of all prison populations globally – all of which disproportionately affect poor males of all races (Houchin, 2005; McAra and McVie, 2010; Harrell et al., 2014). The same is true of Western narratives on whiteness and male privilege which implicitly refer to middle-class and affluent people. Working-class white males are increasingly subsumed by the privilege narrative applied to affluent upper-middle and upper-class males, while also being penalised for displaying the hegemonic masculinity in which they are inculcated in class constrained ways. This is a problem in a prison system like Scotland's where the incarcerated population is between 96% and 98% white and majority working-class (SCCJR, 2019; Houchin, 2005). While it is true that the structural inequalities this population face are not a

consequence of their skin colour in a majority white country, their experiences are nonetheless not sufficiently or accurately represented in current narratives of power and privilege associated with older, upper middle-class and elite white males with whom they are grouped.

Prison as an amplifier

Heteronormative attitudes and hegemonic masculine ideals are amplified in prison into the exaggerated forms of hyper and toxic masculinity (the male code) (Kupers, 2005; Toch, 1998). Within this construction, the apex of power and hierarchy in prison is held and maintained by those who exemplify these traits (Jewkes, 2005). Survival and place in the hierarchy can be secured and maintained by excessive displays of 'manliness' and expressions/demonstrations of attitudes and behaviours that fit with the dominant culture (strength, bravery and being 'stand-up') (ibid: Ricciardelli et al., 2015). There are of course a host of other complicated and mitigating social factors to this, such as a person's associations/connections or previous experience of custody, or even relative to the crime they commit. I would submit though that by being connected to or accepted by 'heavy' people, either through prior relationships or as a consequence of multiple terms in custody, without being 'heavy' oneself, still exemplify the power of exaggerated forms of masculinity in that those less powerful forms can find place and security as a consequence of their connection to them. Conversely, even where someone is very dominant and intimidating, they can still be placed in protection halls or segregation units for committing certain offences viewed as a violation of the masculine ideal (such as sex offences or crimes against children), as they will be targets by the mainstream majority. I have personally witnessed this on several occasions, where men who arguably would physically dominate most individuals in prison are assaulted by a group. In any case, as complicated a

resource these hegemonic, exaggerated or toxic forms of masculinity may be, they are nonetheless a common and tangible reality of the antagonistic, precarious and risk-prone environment of the typical male prison where all other forms of masculinity must be mediated within (Symkovytch, 2018; Ricciardelli et al., 2015). Institutions and industries traditionally dominated by men known as Men's Huts (politics, big business, military, police, physical jobs and working men's clubs) and especially prison, reproduce and reinforce hegemonic masculinity by excluding not only women, but males who do not adhere to behavioural norms and treated as if they have not earned the right to call themselves men. In prison, particularly in what is accepted as the majority, male, adult and young offender, mainstream and working class population, male bonding reaffirms male hegemony often by way of preying, excluding, humiliating, stigmatising, or subordinating weaker, or at least, those perceived to be failing in the moment to be 'real' men (Jewkes, 2005; Maycock and Hunt, 2018), in what this data-set reveals to be a muddy continuum of banter, considered intrinsic to male bonding, escalating into verbal and physical acts of abuse. As such, many of those who were not, or did not perceive themselves to be, aggressive, misogynist or homophobic, expressed that by virtue of being forced to live in the toxic environment of prison they had to perform such traits to fit in and protect themselves (Kupers, 2005).

In my experience, nothing close to all males in prison embody this toxic or hypermasculinity fully, though I and many others have certainly adorned some aspects of it in times of distress and insecurity. But while the point has been made about those who commit the most aggressive or violent interpersonal crimes finding their way into prison, (i.e., men whose crimes may be argued as an index of their masculine excesses, though this is complicated as a large section of those convicted of murder in the UK are first offenders, and those sentenced to life have the lowest rate of re-offending of any prison population (Appleton, 2010))

constitute a minority of the male prisoner cohort in most jurisdictions globally, with prisons increasingly becoming warehouses for short term, relatively non-serious offenders (Howard League Scotland, 2018). The public and media narrative of prison however remains ensconced in the view of the institution holding predominantly hypermasculine males, with numerous 'shock docs' and consistent press references to tough nicks, hardened lags and prisons being noted in the press for the specific notorious prisoners they house at the time, often the most prominent gangland figures and those convicted of the most high profile and brutal murders, despite the true configuration of the prison population profile belying this (Bennet, 2020). And this is something we see mirrored in the narrative of masculinity itself from the current academic perspective, where the averages evidence only marginal differences between men and women and which accounts for most people in society, but the differences at the extremes become the overall narrative.

Amplification of negative stereotypes may be an important driver of 'disgust' (Douglas, 1966) in custody regarding assumptions about homosexuals and HIV. The significance of disgust for a population viewed as different or other, rather than fear, has been linked to the motivation for group stratification, racism and has its roots in the spread and fear of pathogens (Mona Lynch, 2002). Historically when one population meets another the exchange of pathogens results in a lot of sickness and death and it has been postulated that humans have a latent programme encoded in our evolutionary software which when mapped, however poorly, on to our novel social world facilitates our most crude prejudices (Weinstein, 2017). This is important as disgust facilitates powerful psychological motivation to dehumanise those we see as other. HIV, despite being more common and passed on among heterosexual couples in true numbers though not per-capita, became synonymous with homosexuality and came to be known as a gay disease (hrc.org, 2017). The prison population is keenly aware of the issues

surrounding blood borne viruses (BBV) and it is estimated that one in five of all prisoners in Scotland have a (BBV) primarily through drug and alcohol abuse (Scholin et al., 2013; Taylor, 2012). Fear and hyper-awareness of blood borne viruses (BBV) while being forced to live in close quarters potentially raises issues of disgust and prejudice toward populations considered synonymous with BBV (homosexuals and drug abusers). This is particularly problematic as LGBT+ in custody are at higher risk of being both drug dependant and HIV positive through risky/exploitative/dangerous sexual histories and are more likely to be the victim of sexual assault in custody – especially trans women held in male halls (UNODC, 2009). My experience of the prison environment is that both GBT+ individuals and drug users alike, are openly denigrated in this way and automatically assumed to be 'riddled' with blood borne viruses.

Living 'Subordinate' Masculinities in Custody

In prison, those perceived to be adopting homosexuality and non-conforming gender roles are shamed, subordinated, excluded or subject to predatory behaviour by 'real men' - males who adopt typically hypermasculine forms of gender expression. While these patterns are true of society generally and not specific to prisons, it is the amplification and intensification of particular forms of masculinity and conformity within a closed, resource-scarce and heightened environment from which there is no escape, that make such behaviours unique in the context of prisons. Stigmatisation and victimisation associated with gay stereotypes are so prevalent and inculcated that even many homosexual men show an aversion to effeminacy and display as well as seek out other masculine men or 'butch' partners (Sanchez, Greenberg, Liu and Villain, 2009). Historically this can be evidenced in the acceptance of dominant

homosexuality, whereas passive homosexuality (the one who is penetrated and thus feminised) is viewed as monstrous, resulting in loss of male status and citizenship in Rome and Ancient Greece (Bourdieu, 2002). This same attitude can be extended to the ugly practice of prison rape as a way for strong males to dominate weaker males, thus affirming their own hypermasculinity. Despite a stereotype that rape in prison mainly is committed by 'predatory homosexuals', male on male rape in custody is often attributable to the behaviour of heterosexually orientated males, perpetrated as a political act, such as the punishment of undesirable 'subordinate' males or establishing hierarchies (Spearlt, 2011; Ricciardelli, 2013; Evans and Wallace, 2008). However, the practice of prison rape to dominate and humiliate appears to vary in prevalence from country and culture. It is estimated that 1 in every 5 male US prisoners has been the victim of coerced sexual activity (Beck et al., 2013). Rates in the US are higher than most other countries with the US significantly higher than most other western countries including the UK (UNODC, 2009; Marksamer and Tobin, 2014). Canada reports relatively low rates of sexual assault and predation, and at least one study found that unlike in places where rape serves to strengthen the perpetrator's control and reputation, it was mainly found to occur among less dominant or subordinate males (Ricciardelli, 2013). The limited and extreme version of acceptable masculinity in prison exacerbates the challenges for LGBT+ people and especially trans women. This is because they are constructed, at least in policy, wholly as victims relative to the male mainstream majority (from whom administrative segregation or relocation to a protection regime because of their identity, rather than their offence type, may be required) which in turn carries a feminised or subordinate conception, and they are denied agency to an even greater extent than perceived weak male prisoners. From within this data sample, they are also stigmatised and negatively impacted by the masculine environment and the underlying

masculine/heteronormative cultures of prisoners, and the gender normative victim/perpetrator risk analysis of staff and the threat this poses to the security of the trans person and to other people in prison, depending on who was placed where and why (Ricardielli et al., 2020). Trans women seem to suffer the worst of all stereotypes, subordinated as overtly feminised males – to which I would draw a significant distinction between this and the desire of trans women in custody to be accepted as the 'real deal' (Jenness, 2014). They are feminised in the most superficial and derogatory sense, and not recognised as 'real' women, deserving of appropriate housing and protection, but rather as failed, non-conforming, unnatural, and still risky men.

Multiplicity of Masculinities

It is important to restate, either outside or inside the context of prison, not all masculine expressions are those negatively identified as toxic masculinity, and there is nothing inherently pernicious or pathological about being male, notwithstanding extreme radical feminist perspectives (Dworkin,1974; Blair, 2017) that trace toxic masculinity to the normative ideal of manhood. Many aspects of traditional masculinity are considered favourable and essential if manifested correctly, such as competitiveness which drives people to excel or the greater predisposition to risk taking required to undertake dangerous occupations like emergency service workers or soldiers for example, driven by qualities like courage, willpower and confidence that 'inspire men to hold their ground when every instinct calls upon them to run away' (Desmond, 2007 pp.7). Nor are these typical masculine traits exclusive to men (Halberstam, 1998). It is also important to restate that not all prison environments are marked daily by the most extreme acts of toxic masculinity, or the ''sadness, terror, harm, injustice,

secrecy and oppression'' environments blighted by such acts produce, Scott and Codd, 2012 in Jewkes, (2012, pp.14).

Indeed, prisons are ''simultaneously, places of great humour and playfulness, of friendship and camaraderie, of educational enlightenment, of successful therapeutic intervention'' (Jewkes, 2012, pp.14), and both descriptions and their subsequent tensions are sentiments I can personally attest to. Prisons both import and produce their own subcultural norms, including that related to sexuality and masculinity (Phillips and Earle, 2010). It is important not to essentialise all forms of gender expression and relations to an abstract ideal type of the hypermasculine. Indeed, more inclusive forms of masculinity and greater cultural acceptance and changing views about what constitutes masculinity in contemporary society are imported and inculcated, albeit at a slower rate, as new generations of those held in custody and staff enter the prison system. Simply put, masculinity nor masculine prison culture, is fixed and wholly devoid of healthy, positive, or inclusive expressions (Maycock and Hunt, 2018). The problem is those positive or alternate opportunities for men and boys to express masculinity are typically constrained or threatened by these strong, often dominant ideals that are particularly overt in a prison context.

Hypermasculinity is also not the only, or even a necessary, prerequisite for violence, either physical or sexual, and in any case, sporadic, unexpected violence and assault in prison is limited (Symkovytch, 2018) with most prisoners wanting to 'get the head down' and 'do their time'. It remains however, the perpetually threatening doxa of prison and prison masculinity, which would suggest all prison settings to some degree, are shaped by a hypermasculinity that creates a potential for violence to occur at any moment. This remains important in another way, obstructing alternative gender performances, and therefore new, less rigid, doxa

to emerge. Self-preservation renders many of those in prison powerless to challenge these perceived ideals and the few who wilfully and readily enact them.

While the extremes of some prison cultures are genuine, and examples can be pointed to in most, this is not the case everywhere and always, and certainly not the mode of being for most people held in custody (Maycock and Hunt, 2018). Indeed, the prisoner code and the *threat*, rather than commission, of violence within staff and prisoner hierarchies for breaching the code, can serve to curtail actual violence, producing order in many custody settings, (Biondi, 2016) and even allows space for more inclusive forms of masculinity where those that detract from the normative stereotypes of machismo can express themselves, safe, if not from ridicule, at least from immediate harm (Maycock and Hunt 2018; Symkovitch, 2017). However, this 'order' and 'space' is still maintained by exclusionary frames of traditional male norms that stifle and constrain opportunities for alternative masculinities to be expressed (Biondi, 2016; Ricciardelli, 2013).

This dissertation in no way seeks to reify the narrow view of prison masculinity as it is typically understood and makes clear that this is not the only way masculinity is embodied or expressed within custodial settings, nor indicative of the majority of those held within them. Rather, the intention is to highlight the degree to which these specific and exaggerated ideals of masculinity within prison culture, continue to govern and limit alternative forms of masculine expression, just as our cultural, academic and political discourse focussed on the most exaggerated and pernicious appraisals of masculinity, govern, limit and reify our conceptions, narratives and so policy initiatives regarding men, masculinity and gender more broadly.

Chapter 5 – Methodology

This Chapter covers how I came to be involved in the wider LGBT+ rights project in which my Masters was undertaken, how I came to write this dissertation, and the steps I took in completing it.

Given the explicitly gendered nature of prison and its 90 to 97% biological male population globally (World Prison Brief, 2020; Maycock and Hunt, 2018) its institutional practice of segregation by gender, and its traditionally heteronormative and overtly masculine culture, the role of Masculinities and heteronormativity in determining the experiences of gender non-conforming persons in custody became a key interest and inspired my primary research questions.

Main Research Questions

The underpinning research question that guided the study was:

- What are the key issues faced by LGBT+ individuals in English and Scottish prisons and to what extent is their gender identity and sexual orientation a factor that increases their vulnerabilities? What is being done to address that?

From this, the main research questions where:

- To what extent does heteronormativity and a concentrated or 'hyper' masculinity in the prison setting impact the lived experience of LGBT+ people?

- How are gendered presentations and identities of LGBT+ people viewed by themselves and others (staff and prisoners) within the prison setting – as separate, and/or subordinate forms of masculinity?
- To what degree do existing norms and constructions of sex and gender (in prison, and UK society) shape policy and practitioner judgement in relation to prisoners, and to what degree do they reinforce gender and sexuality stereotypes in their attempts to address them?
- How does the perspective of LGBT+ people in prison challenge the accuracy and utility of existing, conventional constructions of sex and gender?

The project in which I was invited to take part, and that inspired the research questions specific to this dissertation was *'The right to difference: Evidencing the situation of young adult LGBT+ in the UK prisons'* lead by Dr Fernando Fernandes of the University of Dundee.

This project was funded by Barrow Cadbury Trust and developed by the University of Dundee under the coordination of Dr Fernando Fernandes. This specifically focused on people in the English and Scottish prison systems, aligning with an international project looking at the same issues. Through this broader initiative, the findings are working towards international knowledge exchange and policy learning.

Our respective studies sought to examine how individual attitudes and social interactions as well as institutional policies and structures in UK prisons might be shaped by discrimination and lack of understanding, and how this influences the experiences of LGBT+ people in custody. A key area of interest was to examine existing policies within the English prison

system (HMPPS) and Scottish prison system (SPS). Both studies looked at how consistent policy frameworks are with the most promising international practices. The extent to which prison staff members feel empowered and educated to support LGBT+ people in custody, whether explicitly related to formal policies or through other means was also examined.

Research Methods

Primary data collection involved qualitative interviews with self-declared LGBT+ people in prisons in England and Scotland, as well as focus groups with front-line prison staff and individual interviews with prison managers. These interviews were conducted by Dr Fernandes and another researcher as part of the larger project.

The sample consisted of thirty interviews with LGBT+ prisoners, and 9 staff interviews, consisting of 5 individual interviews with managers and focus groups with 21 frontline staff. Of the thirty LGBT+ prisoners, 9 identified as lesbian; 9 as gay; 2 as bisexual males; 2 as bisexual females; 5 as male to female trans; and 1 participant who identified as a lesbian was also awaiting support to transition from female to male. 1 participant identified as heterosexual but was unsure of their gender identity. 1 member of staff was openly gay and two were in an openly lesbian relationship while working together in the same establishment.

The interviews with 30 LGBT+ people in custody were semi-structured and conversational, centring on issues around their everyday life as an LGBT+ person in custody, specifically but not limited to relationships with staff, peers and the external world (family, friends); support or lack of support from peers and staff; issues around discrimination, abuse and violence; specific needs and how they were perceived as being addressed or not; possible barriers to

equal opportunities; and potential challenges when reintegrating with the community upon release.

The interviews with staff involved focus groups with front-line prison officers on the one hand and individual interviews with managers on the other. Both focus groups and interviews followed a semi-structured, conversational style. Five individual interviews were conducted with managers, and 29 prison staff took part in five separate focus groups. The focus groups with prison staff sought to explore their perceptions and attitudes towards LGBT+ people in prison and explore issues that in their views affected their everyday work. The interviews with prison management explored their views on LGBT+ people in prisons and highlighted examples of experiences that can be considered 'good practice' in relation to the management of LGBT+ people in custody.

Details on the methods, recruitment and ethical considerations of the larger project can be found in the full report which is available at:
https://discovery.dundee.ac.uk/en/publications/lgbt-people-in-prisons-experiences-in-england-and-scotland-full-r

Working within the project

I was selected to work within the scope of this larger project as part of partnership with HMP Castle Huntly, Scotland's only Open Prison, where I was a serving prisoner at the time. This involved a research placement opportunity offered at the University of Dundee under coordination of Dr Fernando Fernandes. As part of this, I was invited to take part in the research to offer insider input, and my master's degree was funded as part of the overall project. I would be using the same data sets and core policy documents but was free to take

my own initiative on researching the situation for LGBT+ prisoners in custody. The project aims aligned with existing international rights initiatives to acknowledge and improve the situation of LGBT+ people in custody, chiefly the creation of the Yogyakarta Principles which outlined a human rights law standard among its many signatories specifically in relation to sexual orientation and gender issues.

This was considered the Gold Standard regarding LGBT+ rights and pre-selected as a key document. As the research was conducted in the UK, the Gender Recognition Act 2004; the Equality Act 2010; the Care and Management of Transgender Offenders 2016 for England and Wales (NOMS); and Gender Identity and Gender Reassignment Policy for those in or custody 2014 (SPS) were also core documents to the literature.
The project produced a general overview of the situation for LGBT+ people in custody by gathering qualitative data from a substantial cohort of LGBT+ prisoners and staff from multiple prisons across the UK, from which I gained insight into the experience of these populations, and began to identify any gaps, issues, costs and/or benefits of existing policy and practice as experienced by this cohort and make recommendations for moving forward specific to these findings.

The above legislation were the key documents that shaped the literature review, and the data gathered by Dr Fernandes was the litmus test for their efficacy. The role and impact of masculinities and masculine culture would then be interrogated, specifically in a prison context. Namely the stringently gendered nature of prison and its enforcement of binary distinctions that sit increasingly at odds with societal trends moving ever further away from these binaries, and the 90 to 97 per-cent biological male skew in incarcerated populations

worldwide. This felt particularly relevant to the experience of a non-binary/heteronormative cohort, and there is a great deal of research supporting this included in the literature review. This research also considered the role and impact of spoiled identities and othering of LGBT+ people within traditionally heteronormative UK society; the overtly heteronormative, masculine majority prison population; the criminal and prisoner identity in relation to wider society; and to whose members are responsible for their care. The aim was to identify where these points compound or conflate rights issues? This was important in order to distinguish anti-LGBT+ sentiment from anti-prisoner sentiment when assessing the extent of homophobic discrimination within prisons.

Researcher reflexivity

As a researcher who was completing a long-term sentence in an open prison near the University of Dundee, where I attended on daily work placement for half of the project's lifespan; then transitioning to the community on parole for the other, my perspective was shaped, informed, and arguably siloed by these experiences. While not LGBT+ personally, standpoint epistemology was relevant in the shared experience of being a prisoner subject to a given establishment, with an insight into the inner life; management; politics and culture of the institution and of the prisoner population. Further to that, I am representative of most of the prison population, and participant/propagator of the culture sighted as the problem/pathology placing LGBT+ at risk. A straight, white, working-class, male, mainstream prisoner, bringing insight to the perspective of the problem population on various levels and the common discourse, attitudes, and experiences of one's own masculinity, and those expressed towards LGBT+ within this population, and of the other significant prisoner

populations – male sex offenders, and female prisoners – with whom the mainstream masculine culture measures its distinction (Earle, 2018). Also, given my regular access to the university and the community during this period, I was able to experience a range of attitudes and subsequent treatment from those who did, and those who did not, know I was a serving prisoner over the course of the research. My subsequent interactions were slightly more complicated than my standard 'redemption script' either facing off against a 'condemnation script' applied by others or finding succour with those who would offer no criticism (Maruna, 2001; Maruna and Farrall, 2004). For while I recognise and acknowledge the mitigating structural and personal circumstances of the offence that led me to prison, and believe I have, throughout the course of my time, put myself back on a 'good path' and all the wholesome conformity it implies, and that I have been able to draw on this redeemed self-conception (ibid) when faced with my darkest moments – I by no means absolve myself of the horrendous choices I made that led me to prison, or the shame and regret I carry for doing so. As a convict and a criminologist at that time, I recognised much of the entrenched structural ills that feed societies most disenfranchised citizens into prisons and other secure settings. But I also see prisons as a necessary evil, if for no other reason than it is where I deserved and needed to be for the choices I made. As such, I often found myself between narratives, at least understanding those who would see me locked away forever and disagreeing with those who believe I should never have went away at all.

In any case, from this perspective, and within these three distinct and intersecting fields – custody, community, and the university, I embodied a composite of arguably the most problematic and objectionable identities in current institutional, societal, and academic discourse. These experiences helped shape my perspective of spoiled identities and how one is perceived based on what is assumed and asserted of the significance of immutable

characteristics relative to wider cultural understandings of power and privilege, and in relation to a history of offending. They are identity positions that often put me at odds and in some cases uncomfortable both personally and professionally with much of the academic and particularly feminist literature and activism as the most prominent around issues of masculinity, both in the associated harms I see and agree with, and in the generalisations and oversights that I do not – particularly its unwillingness to contend with those great many disenfranchised and unwanted men and boys I grew up and done my time with, clustered at the bottom of a society that has no use or demand for them other than filling an ever expanding prison estate (Earle, 2015). This has been a challenging, complicated process of adaptation through various social fields that the Bourdieusian perspective adopted for this study has helped elucidate. A limitation as a prison experienced researcher is longstanding anti-system sentiment and bias having been personally at odds with the establishments I now reflexively critique as a prison experienced criminologist researcher, and the, again, almost disembodied conceptual space I tend to find myself in while managing the tensions of incorporating both (ibid). This experience lends itself to a bottom-up perspective that might fail to fully appreciate or be sympathetic towards the kinds of pressures and experiences that drive decisions made by senior staff, and on down to frontline officers. As such, I am conscious of not making truth claims or assertions based solely on personal experience that cannot be backed by data or relevant literature. Furthermore, in having been an undergraduate student in Criminology and involved in prison research more broadly through my involvement with a university reading group project which then led on to become a formal collective prior to beginning this work, while my intuition was indelibly marked by my own carceral experience, I have long been in the habit of thinking about prisons from a broader criminological perspective.

Research process

I was given access to raw/anonymised data from the research conducted within the larger project. Recruitment and data collection decisions were made by the project lead, Dr Fernando Fernandes.

Approach to coding, themes, and analysis

The interviews were transcribed verbatim by RA's working on the larger project. I was fortunate to be employed to transcribe several interviews personally. I then manually coded the interviews, in line with Layder's (1998) notion of 'adaptive theory', where themes are determined both by prior theory and literature and by emergent data. Thematic analysis of every transcribed interview was used to draw out themes, taking a focussed look for LGBT+ issues (particularly prejudicial or discriminatory practice) as well as masculinities, and spoiled identities because of imprisonment, as pre-selected concerns. Traditional, hegemonic, and hypermasculinity, and negative or harmful/risky gender stereotypes attributed to masculinity were identified from the literature as an indicator/guideline throughout thematic analysis of the participant interview transcripts.

However, analysis was open to broader reading of emerging themes that were not initially highlighted but were expressed as consciously important by, or consistent within the experience of the LGBT+ cohort, as well as themes already common to the LGBT+ custodial experience – homelessness, addiction, mental health, care experiences, victims of sexual assault and sex work. Though none of these were mutually exclusive in many cases to masculinities or masculine cultures in custody.

Furthermore, the policy cited in the literature review; the experiences of the cohort; and the institutional/staff culture, and prisoner sub-culture, within prisons, was considered from a Bordieusian theoretical perspective. The aim being to evidence the subtleties and nuances of language, class, status, and culture in shaping the life trajectories of the cohort.

The study used SPS and HMPPS data in relation to LGBT+ people in custody to identify participants. The sample selection process was limited as Trans people are measured, but not other groups systematically. Some people in custody don't have the option to conceal their sexuality or gender identity, as this might be a central component of their sentence. Those identified may not have chosen to be involved had they not been known and requested to do so. Conversely, for those who volunteered following the projects advertisement, only interested participants who were confident/resilient enough to be open, or to risk revealing their sexuality in custody would have taken part. There is therefore no insight to the true numbers of LGBT+ or the experience of those more inhibited or closeted who weren't obviously visible to the establishment. There was no specific means of identifying or recruiting LGBT+ staff members, their participation was voluntary following a general advertisement to staff across the estate.

Limitations of method/approach, alternative approaches

The need to attract participants via means that risked outing closeted, or more private individuals may have resulted in many who would have liked to participate from not doing so. Conducting exploratory analysis of qualitative data also limited the number of participants and so the scale of the project.

A larger data set may have yielded wider and more generalisable trends about the experiences of LGBT+ people in custody which would have been beneficial for those hoping to instantiate best practice nationwide in relation to the most pressing issues according to most people affected.

Mass surveys with large sections for participants to expand or explain their feelings on an issue and given out to everyone, preferably sliding these under every cell door during a lock-up period would have allowed most prisoners privacy and anonymity while still gaining some qualitative samples but also from a much larger cohort.

Ethical considerations

In accessing secondary data from the larger project, I was not involved in the composition of the projects ethics proposal as I was not involved in the data collection process. However, anonymity of participants presented concerns personally as a prison experienced researcher, who despite the anonymised data could infer who certain participants, both people in custody and staff, most likely where, and that I was serving my sentence in the same establishment as some of the participant sample. Beyond standard anonymity protocols I had to be additionally cautious in discussing the nuances of my work and ideas with friends in custody who may also be able to infer who people were. I also took every step to ensure I did not infer anything into the analyses from personal experience of those I recognised, such as details of their offence or rumours/knowledge of their behaviour in custody, that was not present in the data. Personally, the ease with which it was to identify certain participants raises concerns about the limits of anonymity in the prison system more generally, particularly when dealing with small subgroups of the prison population, and the implications

this could have for participants to be identified by senior staff within their current establishment pending publication of a scathing report.

Chapter 6 – Findings and Analysis

Following analysis of thirty-one people in custody and thirty-four staff interviews, this chapter contains five sub-chapters covering themes within the dataset. The most dominant theme shaping experience of LGBT+ experience was around concepts/performances of masculinities and femininities. Several sub-themes pertaining to gendered cultures and practices fall within this. These categories cannot be understood in monolithic or even binary ways, meaning there was no single version of masculinity or femininity running through all parts of the prison estate. Instead, I analyse these concepts through a set of the most prevalent sub-themes that shaped diverse experiences – biological sex, sexual orientation, class, essentialism, normative attitudes and narratives, counter-intuitive policy and practice, and the variance of all these factors in relation to the location within the prison.

Sub-Chapter 1 covers nuances of the 'Male Mainstream Environment', with sections one to three touching on definitions of prison masculinity; working-class values; distinctions of banter and bullying – specifically where and by whom the line between the two is drawn, and the degree that which is deemed good natured may still be considered symbolically violent; and various forms of direct and unambiguous verbal and physical abuse.

Sub-Chapter 2 analyses experiences of 'Female Prison Environments', with sections four and five looking at both female acceptance and conflict, and of claims of (il)legitimacy between those considered real and fake. While section six considers the impact of the 'decency policy' (Howard League, 2016; NOMS; SPS) for both the female, and the male sex offender populations.

Sub-Chapter 3 draws on accounts from 'Sex Offender Environments', with sections seven to ten focussed on the juxtaposition between a simultaneously more accepting and active, but also predatory, sexually exploitative environment.

Sub-Chapter 4, 'Transgender Prisoners' sections eleven to thirteen moves onto distinctions within the LGBT+ population and in relation to the environment they are held. Namely the experiences of Gay, Bisexual men or male-to-female trans women housed in mainstream, male young-offender, or adult establishments, are markedly different from those housed in sex-offender units; and from Lesbians and Bisexual women housed in female halls. Trans-women experience distinct hardships regardless of environment, suffering a distinct set of pains, gendered issues and assumptions working in both directions simultaneously, namely contending with the enormity of transitioning while in custody, distinct forms of isolation and lack of community as a consequence of their insider/outsider status in any given environment, and transphobia from both those in custody and from staff (Maycock, 2021).

Sub-Chapter 5 – 'Policy, Practice and Staff Perspectives' section fourteen, considers issues resulting from gendered constructions operationalised to different ends between male and female establishments and the problems this poses to all in custody. Though staff perspectives are woven through chapters 1-4 to add further depth of analysis of issues raised by all groups, section fifteen looks specifically at concerns raised by staff, and highlights gaps in knowledge, training, and the pressures of having to prioritise safety and security above equality and diversity.

Before defining distinctions between LGBT+ prisoners and the environments they are held, there are significant commonalities across all participants and their respective gender or orientation group or prisoner stratification.

Participants reported a high prevalence of care experience in all settings and several reported being rejected by families or foster parents because of their sexual or gender identity – especially trans participants. A substantial majority reported challenging childhood experiences such as family relationship issues, alcohol and substance issues, and sexual abuse. In several interviews, experiences of sexual abuse had been directly correlated with a confusing or disturbing of sexual development, which in the case of sex offenders had, in their opinion, become tied up in their offending behaviour. High rates of self-harm and substance abuse were reported both prior and during custody, whether intentionally harming oneself with objects or self-medicating with alcohol or substances. While many of these adverse experiences are commonplace amongst the general prison population and not exclusive to LGBT+ prisoners, it remains significant where such adverse experiences stem from prejudicial treatment regarding their LGBT+ status.

Sub-Chapter 1

Male Mainstream Environments

1) Mainstream culture as 'default' masculinity

Prisons are male dominated spaces, and male, mainstream prison environments [mainstream housing those not (typically) convicted of sex-offenses or crimes against vulnerable victims, children] hold most of the convicted population and represent the dominant culture of most prisons. This culture is best described as traditional, hypermasculine, heteronormative, and rigidly constrained.

'Nowhere are the tensions between conscious and unconscious drives, private and social identities, and acceptable or unacceptable masculinities more evident than in the predominantly male locale of the prison' (Jewkes, 2002 pp.46).

Data shows mainstream environments were experienced by participants as the most hostile and abusive for those who are gender non-conforming. This specific prison culture includes staff and even female staff. One participant, when asked to describe her experience of the justice system (police, courts, prisons) and of her treatment by practitioners at each stage as a trans woman, she described these spaces as 'very hypermasculine' (trans-woman in custody). She stated staff seemed reluctant to work with her (she also said this of the police during her arrest and prior to that as a victim of a homophobic attack) and unwilling to intervene in bullying she experienced regularly by male prisoners. Another trans woman shared this concern regarding staff responses to bullying.

> I'd even go as far as to say the staff are enabling it, like if it happens when the staff are around some of them laugh at it.
>
> (trans woman in custody, young offenders)

This reflects a particular masculinity that research describes in traditionally male dominated institutions, referred to as Men's Huts (Jewkes, 2013) which, emphatically exclude women, and males deemed not to have earned the right to call themselves men.

> [I]f you're not heterosexual as far as a lot of the prison population is concerned you know you're not normal, you're different, and nobody likes different so it is really hard to sort of come out . . .
>
> (straight male in custody, young offenders)
>
> [a] didn't live the three years a was there, I just survived.
>
> (trans woman in custody)

All participants who identified as gay men or male-to-female transgender, described the mainstream, male population as governed by a 'macho' 'hardman' and 'gangster' ethos, accented by conflict, bravado, and the need to project toughness and self-reliance to avoid being considered weak, and targeted by others (Connell, 1987; Toch, 1998; Crewe, 2006).

> Yeah, it's a very masculine environment and I do think there is an element of people being afraid . . .
>
> (trans woman in custody) The competitiveness and aggressiveness in pursuit of success, power, status and ultimately safety associated with this type of hardman machismo are routed in well-established models of masculinity and male gender role (Jansz, 2000; O'Neil et al., 1986; Burns and Mahalik, 2008), which have been consistently critiqued (Pappas, 2019) as dysfunctional,

> promoting damaging behaviours, and correlated with negative mental health outcomes, adverse emotional developments, and higher rates of suicide, and, in deprived, working-class areas where resources to actualise oneself are limited, greater instances of violence, risk taking behaviours, involvement in crime, and imprisonment. Prisons are subsequently operationalised around a constellation of the most extreme and negative aspects of masculinity to form a hypermasculine environment, both produced by and (re)producing exaggerated norms and expectations, of what it means to be a 'real man'. (Jewkes, 2005; Jansz, 2000; O'Neil et al., 1986; Kupers et al., 2005).

However, in Mainstream male prison environments, despite the focus of extreme, hyper, or toxic masculinity, in most of the literature, it is not commonplace for most people in prison to act in an extreme fashion (Symkovytch, 2018). Nor are most people in prison in the UK, where this sample was drawn, serving sentences for violent crimes we readily associate with this constellation. Rather, most are engaged in "front management" tactics – surface, low effort/risk demonstrations of masculine identity to others to avoid potential threats within the prison environment (de Viggiani 2012). Those held within these environments are effectively 'governed' within a rigid framework in which the threat of extreme behaviours, specifically violence, is ever present, and adherence to normative masculinity becomes a means of self-preservation (Symkovytch, 2018).

2) <u>Class as an important dimension of understanding LGBT+ experience in specific settings</u>

There is strong correlation between class, traditional or hypermasculinity, and imprisonment in the literature, particularly the mainstream male environment. Newton (1994) specifically highlights the overtly masculine, mainstream, prison environment, and the forms of machismo and controlled aggression evidenced there originated partly in lower-working class culture. This environment being the most saturated with hypermasculine tropes due to the heterosexual majorities class make up, is arguably a more difficult situation for LGBT+ prisoners partly, even if they are also of the same class – 51% of LGBT+ people in Scotland live in deprived areas (GOV.SCOT, 2017).

On issues of class and education amongst LGBT+ people, several of the project participants had considerably higher levels of education compared with others in the prison population. This is also the case in the general population, despite many living in deprived areas. Unlike the majority of either the general or the LGBT+ prison population (Houchin, 2005; GOV.SCOT, 2017; ONS, 2017) several came from more privileged backgrounds and held skilled, professional posts prior to custody. Consequently, LGBT+ participants from non-working-class backgrounds felt alienated even further from the majority prison population, abused for being 'snobby' and 'up themselves' as well as for their sexual orientation.

> [W]asn't from a crime life, wasn't brought up in that, they saw me as someone from a privileged background, different in manner, speech, looks, didn't have war wounds and scars on my face, wasn't a 'hard man'. . .
>
> (trans woman in custody)

However, some managed to make use of their specific capitals in supporting others such as in an educational setting, and in so doing, breaking down boundaries and finding acceptance and their place within the majority cohort to which they had always felt exempt.

> [A] used those em kin'of, a s'pose privileges, a used the fact that a was educated and that a was tryin' to ye know, help those within the hall that weren't, ye know, attendin' education, or, or weren't, ye know, ye know literate . . . An ye know, some guys were, ye know comin' on board with that . . . a felt at one point, about two years into bein' in [Establishment] that, a was startin' to win people around a wee bit . . . there wasn't much, emotional an verbal abuse.
>
> (trans woman in custody)

Others felt disheartened trying to communicate across the gulf of their education and perceived intelligence.

> I do feel like I need to, without being mean, I feel like I need to dumb it down a bit. Because like if I have a conversation about what I want to talk about, people will look at me like I just dribbled on their shirt . . .
>
> (trans woman in custody, young offenders).

Conversely, while many in this cohort felt at odds with traditional mainstream prisoners and life within their hall, they were relatively more comfortable navigating the prison as an institution.

> [I]t's been a bit of a double-edged sword. Yes its allowed me to navigate the system better and engage and do those things but it's also made me more aware of the times when there are like, going on like guys will just do their sentence, do their time and they'll not bother with perhaps social workers or psychologists. . .
>
> (gay man in custody)

While being able to identify and articulate injustices in the system by virtue of being more educated were considered problematic, either from potential backlash from challenging authority, or frustration knowing they cannot, many of this more educated cohort across all environments still saw the benefits of working with the system and following rules.

> [Y]ou need to have the attitude, to get through prison, what an officer says do it, because at the end of the day they are in charge. . . you need to follow [rules] but a lot of people have just got . . . a general issue with rules. (lesbian woman in custody)

These experiences reflect the opposing class, culture, and habitus necessary to navigate the institution and the population it holds. A working or underclass prisoner majority, at odds and antithetical to a middle-class-aspirational, bureaucratic institution that punishes those who do not conform to its values and norms. This means those who wish to survive on the hall have harder times passing through, making the best of, or defending themselves from the processes of the system. That participants from more educated, middle-class, or professional backgrounds experience this clash in reverse, also demonstrates this paradigm.

3) All male environments: Passing, Banter and the Spectrum of Abuse

The male mainstream environment can be viewed as a bottleneck for the most problematic manifestations of (stereotypical working-class) male typical behaviours (Jewkes, 2002). It is also a concentration of masculinity near devoid of its most positive aspects such as the ability to be an involved parent or caregiver, partner, provider, or protector. In this scarcening of resources and opportunities to 'Be', what little left to cling to is defined as problematic – guarded emotional stoicism, self-reliance, intra-male competition, and outward displays of

masculinity to appear formidable. This is particularly problematic for GBT+ prisoners given the lower, weaker, subordinate status ascribed to those deemed 'other' from heteronormative masculinity. Indeed, within this paradigm, 'real men' and the masculinity they embody are defined in relation to what they are not, and these ideals are achieved predominantly by the domination of women and inter-male dominance of subordinate masculinities – especially the stigmatisation of homosexuality and effeminacy (Connell, 1987; Jenny and Murphy, 2000; Frank, 1987; Kupers, 2005; Tosh, 2011). This was particularly true of young-offenders' institutions.

> On the outside I'm very openly gay, quite happy to tell anybody that if they've got a problem then see you later sort of thing so that's one thing I struggled with but also just mentality of younger lads as well in prison. Everything's just about confrontation . . .
>
> (gay man in custody, young offenders).

In several reports, those identifying as Gay chose to keep their sexuality a secret in mainstream settings for this reason, even to those they considered friends.

> I have enough problems in here without adding to them . . . I wouldn't say I'm a very feminine person anyway so it's not overly difficult but it's just when things like the typical boys conversation about women comes up, I just have to nod and grin when they say things.
>
> (gay man in custody, young offenders)
>
> it's a very masculine environment and I do think there is an element of people being afraid.
>
> (trans woman in custody, young offenders)

All openly GBT prisoners in male environments, including sex offender halls, reported varying levels of abuse. At bottom are offensive jokes and language that may be considered in the realm of banter – a difficult area as this can be viewed as necessary for male friendship and bonding and should be distinguished from deliberate and intentional prejudice. Next come unambiguous verbal abuse; threats of violence including sexual violence; and acts of physical assault. That is not to say that one cannot be openly gay in a mainstream environment or that same sex relationships do not occur. But research suggests that so entrenched is masculine culture, that relationships may take place by partners who do not even talk to each other, even to initiate sex, let alone openly communicate their orientation, and in many cases includes males' adamant they are still heterosexual (Stevens, 2017), referred to as Men who have sex with Men (MSM) (Brinkley et al., 2019) due to the reluctance to identify ones sexuality or steadfast retention to their identification with heterosexuality, protecting their sense of self by remaining the dominant or male in the act, and justifying same sex activity as meeting a sexual need in the absence of women (Stevens, 2017). It is noteworthy that in my very public facing multiple roles in multiple prisons over the years, as a peer worker in education, the induction centre, as a listener, a barber and a PT (gym) pass-man, all roles where I essentially met everyone in a given establishment, I could count on one hand the number of openly gay men I had met in mainstream, male prison environments, and the number of outwardly straight men seriously rumoured to be 'jail gay' on the other. For those openly homosexual men I met, some were so outwardly heteronormative that their sexuality was unlikely to be assumed unless asked, at which point they were open. There was however some who were more stereotypically effeminate or camp, but they were typically more serious, long-term offenders who also had reputations for serious retaliatory violence. In both

cases, these modes of being could be argued as embracing different aspects of hegemonic or hyper masculinity to navigate the mainstream, male environment.

More commonplace was 'banter' where homosexuality is the focus of ridicule. In some cases, this was described as constant and included those participants considered friends and accepting of them as joking. This was also said of some staff, although some accounts are descriptive of many years previously, and policies in place today mean staff are now more likely to refrain from this than prisoners. Even for those who remain closeted in the hope of passing as straight, there is the norm of casual homophobia encoded in the everyday language used amongst the heteronormative male population to describe failings of masculine standards, such as calling someone a 'poof' because they could not perform an exercise in the gym.

Even in the absence of conscious malice within such remarks – an important distinction to make between banter, intended as friendly, from intentional abuse to cause offence – they remain indicators of the extent to which heteronormative, masculine domination (Bourdieu, 2002), of non-heterosexual and feminised identities is engrained and perpetuated even passively through language.

The notably harsh edge of prison banter can be viewed as a response to the environment, and not uncommon of other similar institutions, like the military. 'Gallows humour' is raised often in both staff and prisoners accounts as necessary to cope with the bleakness of prison. Prison banter is described in this context as knowingly harsher and less politically correct than would be permissible in the community, but justifiable to cope in a space apart from the community.

> [T]here's levels . . . there's, ground humour an, some actual funny jokes but obviously, eh . . . some 'ae the humour goes pretty low in this place. It might be just part of the job, or might just, maybe, through embarrassment? It's a dark environment, dark subjects, people getting' stabbed; people committin' suicide; dark environment, so the humour breaks that up.
>
> (prison staff)

There is also evidence of the value of gallows humour in the development of male affection and camaraderie. 'Giving each other shit' is considered a staple and healthy function of male bonding, making friendships, and establishing hierarchies through the regulation of Masculinity (Kehily and Nayak, 1997). While not exclusive to men, this is markedly different from female typical friendships (McDiarmid et al., 2017; Boyle and Berridge, 2014; Way, 2013). There has been increasing concern regarding the line between banter and bullying, particularly in schools and workplaces (Spencer, 2017) especially where imbalances of power are considered a factor in how pressured the recipient feels to accept humour even when offended. The power dynamics of intra-prisoner hierarchies, and between prisoners and staff, and between hall staff and management/policy makers, are important in this context. However, this should not be oversimplified if we hope to gain insight to the true extent of homophobia in prisons. We must distinguish between malice and male-typical forms of affection, and how they may be perceived by those who don't or have not typically occupied 'men's huts' (Jewkes, 2013) as members of youth gangs, sports teams, male dominated industries, or institutions like the military – all of which share a culture and demographic with prisons (Crewe, 2005). Prison then can be seen to amplify and reify the behaviours, like crude banter, evidenced in other 'men's huts'. Those with experience in these environments prior to custody may have a different perception of what constitutes abuse in a custody setting. In the

following example, we see a young heterosexual male who is openly friends with and supportive of LGBT+ persons in custody, discussing language use among his peers that is not representative of his or others own homophobic views, but instantiated in the norms and modes of being, and so not evidence of true homophobia, however homophobic and prejudicial it may appear from the outset.

> I don't think that's due to you know homophobic people being in prison I feel that's just due to the language that everybody just uses like on a day to day basis that attitude everybody just has just in general, you've got to remember a lot of people that you know even me sometimes myself I call my own friends who are not gay, gay, because that's a certain thing I need to do even though I know that they're not gay so it's just sort of the way people speak sometimes it is quite homophobic so yeah . . .
>
> (heterosexual male, young offenders' institution)

This reflects Bourdieu's concept of habitus, where coming from an outsider position in some (symbolically) significant way to those who constitute the majority within a given social field – overtly masculine, heteronormative fields and requisite modes of being – must adapt to the nuances of that field to succeed within it. Further though, and noteworthy, is that even where there is not conscious intent, the pattern of focusing on homosexuality as the point of ridicule reflects not just Bourdieu's (2002), but also Kimmel (1994) and Cornwall and Lindisfarne's (1994) literature on masculinity and a heteronormative dominance and antagonism toward subordinate variants, within culture. This points to how we, even unintentionally, are both produced and producing the pre-existing norms of our culture (Bourdieu, 2002).

Ostracization and being ignored by the majority cohort was also common. However, the literature suggests this may be for self-preservation more than personal prejudice. Many may simply be ambivalent, and many may be accepting but do not wish to be negatively associated with something considered other from the accepted norms within a rigid hierarchy, which while oppressive, can also work to curtail excessive violence (Symkovytch, 2018).

Explicit abuse, bullying and threats, and actual physical assaults on the person were less common than the other forms of abusive or negative behaviour in most cases, but they were not uncommon where Gay, Bisexual, and especially transgender prisoners were housed in male mainstream environments where their sexual/gender identity was known.

> It was constant, 24-7 abuse . . . he held a knife to ma throat . . . a thought that was it . . .
>
> (trans woman in custody)
>
> When a worked in Polmont, eh, when you had a YO that was, openly came oot as gay, ninety percent of the time, five or six would go in'ae a cell an do um, an that was just because he was gay. That's what happened . . .
>
> (prison staff)

The male mainstream or (malestream) environment is consistently the most overtly hostile towards Gay, Bisexual and Male to Female transgender Women as non-normative, weak, feminised, or failed masculine identities. Contrary to most literature on prison masculinities though, it would be an oversimplification to say this is a consequence of most prisoners embodying hypermasculinity and motivated by prejudice for gender non-conforming people. Some undoubtedly do reflect these negative modes of being. Others may be accepting but choose to engage in a manner that is still derogatory and potentially offensive. While many

who whether accepting or ambivalent, may simply wish to keep their distance for self-preservation.

What seems to be universal is all are governed to some extent by a perception of overt or hypermasculinity that while not born of the prison environment, is arguably sharpened by the relative scarcity of positive alternatives. The cultural standard of 'real manhood' – is not the sole version of masculinity within an institution, nor is it something that many men embody. Indeed, there are many more inclusive forms of masculinity on offer (Maycock et al., 2021) which I have personally experienced through great camaraderie, warmth and the fostering of meaningful, emotionally supportive and lasting friendships within and now transcending custody. However, these more inclusive and, I would argue, more representative forms are nonetheless mediated and defined relative to this overarching hyper-masculine ideal that is the standard against which most men measure themselves and others, and therefore defines, represses, and subordinates alternative versions of masculinity. (Connell, 1987 – 95 cited in Crewe, 2006). In this regard, citing Bourdieu's concept of symbolic violence, male prisoners are complicit in their own subjugation, enacting norms harmful and damaging to themselves both in reverence and fear to ideals and extremes of masculinity. This is mirrored by institutional narratives, policies, and practices of male environments. Male mainstream halls and the men they hold become operationalised and framed respectively around the risk/threat posed by this most extreme mode of being. Motivations for male offending are typically discussed in terms of their agency and choice (Horn and Evans, 2000). Their mental and physical traumas are minimised more so than other populations, and their most negative behaviours naturalised in commonplace memes such as 'boys will be boys', where being aggressive, violent and or predatory is simply framed as men 'doing gender' (Bozkurt et al., 2015; Levant et al., 2003) arguably reifying, rather than challenging, hypermasculine

perceptions of self and others that by no means reflect the majority of the male, mainstream, prison population, but retain an outsized influence on the environment, culture and the governing processes and policies of the institution (Maycock et al., 2021). Regarding the primary research questions posed by this dissertation, hypermasculine 'norms' can be seen to have clear impact on the lives of all prisoners housed in all male environments, but particularly GBT+ prisoners housed in male mainstream environments who are openly subordinated within the discourses and actions of the dominant masculine culture, and that this masculine culture is reified by the regime.

This is also the case for female prison environments, as the next chapter will explore, where stereotypes of vulnerability, instability and lack of agency serve as the working model for conceptualising, constructing, caring, and controlling female offenders.

Sub-Chapter 2

Female Prison Environments

4) Women's Halls: Less Stigma but More Conflict

The experiences of Lesbian and bisexual women participants within this project sample evidenced that female prison experiences were very different from male mainstream experiences. Female mainstream is not specified here as from our sample there seemed to be no female equivalent of a separate non-mainstream regime for women, at least not where women were housed in a small unit within a larger male prison, rather than all female establishments where this may be possible, with those women deemed to be in for 'bad charges' being socially ostracised within the hall, rather than physically separated. Most female participants who identified as lesbians expressed that being gay or bisexual had little or ''no impact whatsoever'' on their prison experience regarding prejudice or abusive treatment from peers.

Although there are reports of intimate partner violence, bullying, intentional lying and 'shit-stirring' to break up relationships, this is predominantly motivated by jealousy or dislike of those individuals involved in a relationship, rather than dislike of same sex relationships generally.

> [T]here are a lot of jealous girls in this place, everything all stems down to these relationships is jealousy or someone is with that person or is causing shit, there is a lot of mixed up, a lot of malicious people who just love the drama . . . some relationships you know are solid people don't interfere with

> other ones, if someone likes that person, they are just going to chat shit . . . So yeah, but it's women isn't it? When you have a jail full of women jealousy is not a good thing for people but people are jealous . . .
>
> (lesbian woman in custody)

This demonstrates a very different, more accepting, environment and ethos than male mainstream environments and its implied and expressed disgust, ridicule and or subordination of homosexuality arguably as a staple of the prisoner culture within them. Rather, it is generally accepted that same sex relationships are not only normal but so normative within female environments that debate and hostility centres predominantly on the degree to which relationships are considered legitimate or real. While this may be a consequence of selection bias, as straight or cis women were not consulted on the views, the point still stands in as much as women who engage in same sex activity in custody report a far less hostile experience of their peers and the environment than do their male counterparts in male mainstream environments. This may partly explain the greater representation of lesbian, bisexual and trans people feeling secure enough to come out within female environments in a way that gays in the male population do not. The explicit prevalence in the female population is significantly higher than any male prison environment and any community measure as many female prisoners also reported being 'Gay for the stay' (Ward, 1964).

> [P]eople in prison, even straight people they just get with a woman, jail bent just for a bit of time, there is a lot of it going on, everywhere you look there is couples, relationship, sex, whatever, everywhere, it's normal.
>
> (lesbian woman in custody)

This higher propensity, far exceeding (open) male same-sex behaviour, is attributed by both prisoner and staff participants to what current guiding academic and policy narratives also say

of women's differing emotional states and needs compared to males, and lack of agency, and 'confusion' in dealing with the pains of imprisonment as vulnerable and damaged actors who require a co-dependant intimate relationship with another to cope (Crowley, 2018).

> [W]omen just need more hugs . . . they're more emotional . . . a lot of them have been abused an, mental health . . .
>
> (prison staff)

This creates issues at the institutional level, never knowing how to accurately define healthy relationships from exploitative ones and holding that prohibiting relationships is the safest practice. Which then feeds prisoner narratives of fake relationships ruining opportunities for genuine ones. This should be of major concern in relation to proposed implementation of CCU's and other open regime models of imprisonment that foster close and intensified community relationships between the women housed in them by virtue of their design and ethos.

> [Y]ou do see a lot of toxic relationships and you do see a lot of bed hopping in prison . . . going from one girl to the next. A lot of these people have husbands on the out but they come in here and they're sleeping with everybody and I understand that causes problems, it causes fights, it causes arguments, it causes bullying. I see that as an issue but how do you differentiate between genuine people that want genuine relationships and those that are just bed hopping for a little bit of attention.
>
> (lesbian woman in custody)

The pervasive risk logic of UK prisons negates any opportunity for the positive, protective aspects of meaningful relationships – consistently linked throughout the desistance literature as a key predictor of desistance (Forrest, 2007; Gov.Scot, 2015; Nugent and Schinkel, 2016)

for those in custody to be facilitated and evaluated. Within this logic, any partner, by virtue of their offending status cannot be considered pro-social, ‘‘traditional risk factors that have been noted include criminal associates and family criminality (Farrington et al., 2001; Lykken, 1995). Social networks that an individual perceives as supportive but that include criminal peers (i.e., other substance users and offenders) have been found to contribute to negative outcomes such as substance use relapse, criminal justice involvement, and victimization/violence (Peters & Wexler, 2005). Within many of the current offender risk assessment tools, criminal networks and criminal peers—including the criminal histories of family members and any gang membership and associations—are part of the calculations of offenders’ risk of re-offending or risk of order violation (Gendreau et al., 1996; Cullen & Agnew, 2003; Andrews & Bonta, 2007)’’ (Macklin, 2013 pp. 17). However, it is noteworthy that in the female context, findings revealed that for women, having a partner who also had convictions did not increase their chances of reoffending as it did for males (Gov.Scot, 2015), a fact that, however compelling an argument in favour of pro-social, intimate relationships between women held in custodial settings, can do little in the face of the decency policy that actively prohibits them.

> [J]ust that optimism because it is a hard situation but you have to find positive things and sometimes the only positive thing might be the relationship you’ve got with someone in here that’s good and I think it’s really important to hold onto that and think positively not focus on the negative things.
>
> (bisexual woman in custody)

5) Legitimacy, Essentialism and Policing Relationships

There is resentment of those who are 'gay for the stay' by those who define themselves 'real' or 'true' lesbians.

> [I]f it's a genuine relationship you shouldn't be made to feel that it's wrong . . . I can understand it with these stupid youngsters that it's not real to them, it literally is because they are in prison and there's no men here . . .
>
> (lesbian woman in custody)

This resentment was justified by the commonly held assertion of significant numbers of self-declared 'real' lesbians, that strict controls were placed on same sex relationships via a 'decency policy' because of those who were ''just doing it for comfort'' and ''passing time'' in the absence of men.

> [T]hey split us up and put us on different wings and said that they don't like relationships in prison, which I can understand with prison relationships because the majority of the time people are just-they're not gay, they just want to pass time, they've got partners outside, men and that so they do it for comfort, I can understand with that side of things but they split me and my partner away from each other and that's what I found hard to like come to terms with and struggled with . . .
>
> (lesbian woman in custody)

Lesbian women prisoners were equally resentful of the negative connotations of what are labelled 'jail relationships', especially those who formed relationship in the community prior to custody.

> [T]hey put in me and my partner in the same category as you're not allowed to have prison relationships, me and my partner is not a prison relationship, we lived together in the community so therefore we shouldn't be classed as a

> prison relationship, we're coming to prison together from being outside together and I felt like they were discriminating on the fact that our relationship is a real relationship . . . they were putting us in the same category as people that ain't even gay or lesbian or anything . . .
>
> (lesbian woman in custody)

Legitimacy, namely the presumption things attained or developed in a prison setting are invalid or not as real as outside of prison, is a common theme, not just for romantic relationships, but friendships, educational or vocational achievements, or even personal or emotional developments such as maturing with age, and this is true for males as well as females (McMillan, 2018).

What is particularly concerning is that those who consider themselves 'genuine' have come to regard those considered 'fake' as the reason policies are in place to prohibit relationships. There is an evident cynicism of those considered fake expressed by staff also.

> 80% of the women in here are either in relationships with other females or openly gay… How much of that is just whilst they are here . . . because you do see quite a bit of girls in here will be in a relationship with another girl and you go into the visit room and they are sat there with their husband [laughs] . . . say that there were 80 relationships . . . probably 60 of them are actually fake. . . one minute they are arm in arm with one woman and then then next day it is another. . . it's bad really, it gives women a bad name to be honest.
>
> (prison staff)

However, the 'Decency Policy' to police and discourage same-sex relationships, is said to be in place to protect prisoners.

> [W]e have got what we call a Decency Policy . . . if we know two women are in a relationship together, we don't allow then to live on the same house because we think not only is it unfair on the others on the house, it's also if anything does go wrong in that relationship, everybody is going to pick up the pieces, aren't they?
>
> (prison staff)

The decency policy is a blanket ruling across all establishments as per the prison rules (NOMS, SPS). It is applicable to all populations and not an LGBT+ specific policy. There is no specific ruling against sexual activity, rather, sexual activity falls within the wide, unclearly defined and openly interpretable banner of behaviour deemed indecent in a workplace or public area. The degree to which it is relevant then seems dependant on the culture of the population in question as, based on the experiences evidenced by participants, this will determine the number of prisoners who feel safe and are willing to be open with their sexuality. There is no discussion of this policy having to be enforced by any participants in male mainstream settings, where they either remain closeted, or describe themselves as pariahs.

Nor is it raised by staff who work in male mainstream environments, who across multiple focus groups across the UK consistently state they could 'count on one hand' the few openly gay prisoners they have met. Or that they have, to the best of their knowledge, had no interaction at all with an openly gay prisoner.

> A can honestly say, that in my thirty years, a can only think of a handful, of openly gay, prisoners.
>
> (prison staff)

It is raised as a concern by males within sex-offender populations however, where relationships are more accepted and there is greater awareness and advocacy in the forms of LGBT+ groups.

> [Y]ou do get more, um, LGBT issues in a sex offender hall, or there, it's maybe more open . . .
>
> (prison staff)

Even more so in the case of female halls, where this policy is raised by almost every participant held in a female establishment and most staff members working with this population.

The policy, while not specific to intimate relationships, is enforced as such, partly as a protective measure for prisoners (this is emphasised much more in female environments) from the pressures and potential conflicts of intimate relationships in custody.

> [T]hey say they don't promote it, they don't allow it because in the past relationships have broke down and people have killed themselves, the whole extreme thing.
>
> (lesbian woman in custody)

Exploitation is also cited in enacting the decency policy to police coercive relationships. This is given greater prominence for male sex-offender rather than female populations but is still applicable to females.

> There's a whole big thing about . . . the women's project in, ye know dependency; mental health; an how people will form relationships an aw that, that has been a big thing for self-esteem with the females an that as well, an it leaves them open to, bein' manipulated by the stronger females. There's,

> there's an element of sexuality within' it, but there's also an element of, em, bein' manipulated.
>
> (prison staff)

For female participants, the most damaging aspect of this policy is making people feel there is something wrong with their 'natural' feelings for one another.

> [G]enuine people that are genuinely lesbian, gay, bisexual . . . it needs to be a bit more relaxed because this is normality for us, we are not doing something wrong and we are being made to feel that it is wrong . . . I feel proper strong about that yeah because you know say there's people, there's people that have met a companion for life . . . But they can't feel relaxed and comfortable in this environment to be around them and I think that's wrong.
>
> (lesbian woman in custody).

More than this assault on sense-of-self for those affected, this policy is problematic as it creates the need for secrecy and takes official mediation and support regarding relationships off the table. Mediation is cited by staff as a primary function of female establishments, especially those with open houseblocks and no option of single cell confinement to get away from ongoing conflicts.

> [W]e have to control them in a setting where we haven't got lockable cells . . . in some way the open environment is good for the women, but in other ways it also could be quite damaging because it means their ability to go in and out of relationships is higher than what it would be in a closed prison . . . that is not just LGBT, that's anybody because it sort of encourages the sort of gay for the stay thing doesn't it?
>
> (prison staff)

This should be considered by the Scottish Prison Service which plans to convert the whole female estate to community facing units with a similar regime, with a 'don't ask don't tell' vacuum for potentially volatile relationships that policy makers know will happen irrespective of any discouragement policy in place.

> [y]ou are not allowed to be in a relationship . . . I still done it, you can't help who you like and fall in love with, you can't help it, man or woman and I disagree when they say you can't have a relationship in jail . . .
>
> (bisexual female in custody)

6) Counter-Intuitive Policy and Practice

A significant issue with the Decency Policy is that it incentivises officers either; to engage in the unofficial yet commonplace practice of 'don't ask don't tell' the problems of which were discussed; or, to actively seek and intervene in what are perceived to be intimate and therefore indecent behaviours. This renders the actions of those with progressive attitudes towards LGBT+ and who may even be LGBT+ themselves, effectively indistinguishable from officers motivated by homophobia. This is a very negative consequence of a policy that also allows for confirmation bias on any non-sexual, intimate contact between friends, such as hugging or walking with an arm around each other – an interesting inversion from the male mainstream environment, where more inclusive forms of masculinity (Anderson, 2005) such as more intimate or physical contact between peers would be viewed as healthy from a research perspective, and simply not questioned as an issue at all by hall staff, in the face of the toxic or hyper masculine culture associated with the environment. Creating a faux homophobia that potentially heightens perceptions and primes fears of prejudice and

mistreatment from staff; and allows any genuinely homophobic staff to hide in plain sight (Eigenberg, 2000). While there were no overt claims of homophobia amongst peers by staff within this sample, and people in custody reported they believed the vast majority of staff were not homophobic, there is evidence to suggest that the heteronormative, male dominated, paternalistic, sexist (Burdett et al., 2018) and socially conservative cultures of prison staff (Morrisson and Maycock, 2020) and of other similar traditional 'men's huts' (Jewkes, 2005) such as the police and military, foster homophobic attitudes, and that limited research has revealed gay female staff, as well as LGBT+ people in custody, regularly experience homophobic or sexualised remarks in the workplace (Nixon, 2021). Furthermore, given the deference to authority, conformity and support for uniformed services evident in the personally types traditionally attracted to the prison service (Morrisson and Maycock, 2021) a general willingness to enforce regulation among most staff may make it harder to identify or question the specific motivations of others. This speaks to the discretionary power of staff over those in their care, and the way this can be inconsistently manifested and deployed through personal judgement and institutional incentivisation (Fernandes et al., 2018). The negative affect experienced by prisoners through the decency policy sits in opposition to the inclusive ethos prisons are now legally obliged and institutionally committed to under equality and diversity legislation, once again evidencing the tension between rights and institutional order, but most notably the distinct irony that the institution itself would become the primary threat and contributor to the LGBT+ pains of imprisonment regarding same sex relationships within its most affected populations. Reflected in the testimony of participants in prison, while some believe there are a minority of genuinely homophobic staff, the more commonly held view among participants, including male sex offenders, but expressed more so by female respondents given the higher prevalence of same

sex-activity within these populations, was that the prison system itself is homophobic, and the decency policy is simply a manifestation of this.

> It's hard because you can't, you're not allowed relationships in prison . . . it makes it harder because the staff don't support that either so if you can't have a relationship in prison then how can you believe in them rights in prison? (lesbian woman in custody)

The obverse but equally prevalent practice of this incentivised policing of what is 'seen', is the wilful institutional thoughtlessness (Crawley, 2005) of what is not seen, 'We term the numerous instances of inadvertence or indifference in prisons, institutional thoughtlessness (Crawley & Sparks, 2005a, 2005b). As sociologists since Sykes (1958) have noted, institutional requirements of selfmaintenance and the smooth operation of the regime have primacy in prisons. Thus, delays or interruptions are construed primarily as inconveniences rather than as expressions or indicators of need or difficulty on the part of any given individual. Such problems in any case are often of low visibility and tend to lack effective advocacy' such issues include 'a range of emotional, psychological, and social difficulties. These are often seen by prison staff as being inherent in the basic fact of conviction and incarceration, rather than as having been specifically produced by the establishment or by any act or omission of those who work in it' (Crawley, 2005 pp. 358). The 'don't ask don't tell' approach alluded to in prison staff interviews are equally risky in the kinds of environments they facilitate, creating a blind spot where a range of issues from unsafe sexual practices, coercive relationships and intimate partner violence remain hidden, particularly when compounded with an unwillingness to breach the prisoner code and be known as a grass (though the testimony of female and staff participants describe a willingness of female prisoners to engage with staff and falsely accuse trans prisoners of physical or sexual assault in a bid to remove them from

the population) and even the general stresses and conflicts experienced within a potentially volatile or strained relationship cannot be formally mediated for the better, as many other issues in the female establishment currently can be. This knowledge of sexual activity in custody by staff, that is unchecked so long as it is not seen, so as not to upset the smooth running of the institution, or so not to incur what some staff report as uncomfortable issues where possible; and then effectively punished when it is, leaves prisoners in a double bind regarding sexual activity in custody, made to feel deviant about their sense of self, at risk of being separated from their partners if they are visible, and physically and psychologically vulnerable and isolated out of the sight of the establishment (Stevens, 2017).

Women's prisons seem to be less physically violent and overtly homophobic environments than male prisons. However, they remain wrought with tension, conflict and what can be viewed as an inverted prejudice of homosexual essentialism, where those who are thought to be gay for the stay are held in low esteem by those who claim to be 'real' lesbians. Despite this, the primary threat to an openly gay individuals' expression and engagement in same sex relationships, came from the system and from prison staff by way of forcible separation and sanction for those involved should they be discovered, rather than from peers who may verbally or physically abuse them, as was found in male mainstream environments. In response to this dissertations' primary research questions, the institutional focus on confused and vulnerable women arguably reifies longstanding gendered stereotypes of women in the justice system to detrimental effect (Crowley, 2021). Testimony of those self-identified as real lesbians also contradicts this narrative. Their sexual identities are not confused – they are resolute, essentialised, and wholly opposed to the institutional narrative, and to those it can be said to represent.

Male sex offender halls also shared a similar dynamic to that of female halls, with over-representation of LGBT+ people, a general level of acceptance among peers, and a focus on the system and staff rather than peers as policing sexuality, as the next chapter will explore.

Sub-Chapter 3

Male Sex Offender Environments

7) Men's Sex Offender Halls: Acceptance and Exploitation

From the data sample, male sex offenders express that within sex offender populations there are greater numbers of LGBT+ than typically found in mainstream populations. One participant working as a diversity representative claimed,

> we've got 13.3% of the prison population that identify [as LGBT+] at [establishment].
>
> (gay man in custody).

There is also a greater awareness, support, and acceptance of LGBT+ issues. One participant described the sex offender wing as ''almost like a therapeutic community'' able to draw support from the hall as this was the first time he had ever lived or associated with a substantial cohort of gay men.

> I was fortunate in that front because at that time there were a lot of other gay men in the hall . . . I did have support in the hall from other gay men, whether to talk to again about LGBT stuff, I was very fortunate in that front.
>
> (gay man in custody)

Studies of large cohorts of sex-offenders found that ''Prisoner interactions did not entail the 'hypermasculinity' (Jewkes, 2005 pp. 61) found in mainstream prisons: these forms of machismo and controlled aggression – originating partly in lower-working class culture and exacerbated by feelings of powerlessness and deprivation (Newton, 1994) – barely featured

among Whatton's [a prison exclusively housing sex offenders] older and more middle-class population (Levins, 2013). Most prisoners in Whatton were not 'chasing after power like in a mains[mainstream] prison' (Anwar), and those who did were derided as 'plastic gangsters' (Rob) (Levins and Crewe, 2015).

This research also indicates that the more accepting behaviour of sex-offenders seemed partly the result a desire to ''create a convivial environment'' (ibid).

> [O]bviously sexual offending you get segregated to a separate type of hall as well so you're around other prisoners all convicted of sexual offenses. I was fortunate in that front, it's a protection environment which is great . . .
>
> (gay man in custody)

When sex offenders are separated from mainstream prisoners, there is some suggestion that, rather than either openly discussing or collectively resisting their labels, they resort to the ''pluralistic ignorance of each other's misdeeds' (Priestley, 1980 pp. 67). Similarly, research indicates that vulnerable prisoners (VPs) and child sex offenders shift the terms of the prisoner hierarchy away from their offending behaviour, claiming to deserve a higher status than mainstream prisoners due to their more compliant behaviour in prison (Ahmad, 1996; Liebling et al., 1997) and higher education levels (Mann, 2012). This speaks to a collective desire to overlook the offences which led to their exclusion, and relevant then in that these settings appear the most open to homosexuality or non-normative modes of being amongst the male population.

However, the detrimental impact of stigma and shame is well documented, particularly regarding identification with negative sub-cultures, offending identities and recidivism (CYCJ, 2017), raising potential concerns for the long-term consequences of mental health, well-

being, and successful rehabilitation against the short-term comfort of a convivial environment maintained by the perpetual threat of mutually assured denigration.

In any case, with a greater representation of LGBT+ and the more inclusive environment that sex offender halls seem to provide, many participants referred to being aware of, if not involved in, regular sexual activity within these environments. They also express greater opportunities for grooming, exploitation, and prostitution.

> [I]t's very easy for young people to be groomed in prison because they come in and they have got no money and there is an older chap there that identifies as gay, the younger lad identifies as gay, that man has got loads of money, do you need vapes this week and I will get them for you, do you need this, do you need that, and then it becomes not only they feel they are in a relationship but it also becomes a crutch and that's what we try and not let happen.
>
> (gay man in custody)

Many gay or bisexual males in the sex offender population experienced sexual abuse in custody (and prior in the home or in care settings).

> I was sexually assaulted in prison . . .
>
> (gay man in custody)

The focus on sexual exploitation in sex offender wings seems to mirror the nature of the offending at the institutional level. For example, while the decency policy exists across establishments, and concerns are raised over age appropriate relationships in custody in female establishments as well as in sex offender wings, it is only in sex offender wings where a participant, a very active LGBT+ representative and peer support worker whose role is to inform and support other LGBT+ prisoners, and so more familiar with current policy and practice than most, spoke about having to be careful when conducting oneself and looking at

things from an ''establishment perspective'' specifically in relationship to grooming. It is also the only environment where a participant has said a standard option for the establishment is to involve the police in what they consider a potentially exploitative relationship, even though this is not typically the action taken.

> The PSI states that you cannot have sexual . . . they don't permit sexual activity within the walls of the prison. So there are three avenues that they can go down, one is they can get the police involved, that very rarely happens and if anybody is caught . . . they will have a adjudication . . . they will sit you down and they will talk to you and then you will be separated . . . people are warned on induction because I do the LGBT induction and they are warned that sexual activity within the walls of HMP [establishment] is not allowed.
>
> (gay man in custody)

A culmination of potential exploitation, a correlation with sexual deviancy and sexual offending, and more extreme instances of sexual activity, are believed to reinforce a negative institutional narrative of sex offenders. This specific culture within sex offender units made things particularly difficult for known gay prisoners (those who are identifiable as gay within their given community, be it a hall or whole establishment, become potential suspects to staff) and so delegitimises and obstructs the operation of LGBT+ groups as a whole.

> [T]he last thing you want is bad press because bad press is bad for the group. . . three years ago now there was, it's referred to now as the sex ring on F wing, it was a bad time for the LGBT group here, they basically shut it down because there was 7 people found in a cell. I wasn't party to it but I was suspended from my role . . .
>
> (gay man in custody)

This sentiment, albeit in different contexts depending on the establishment or population, is shared by other participants who claim staff had referred to LGBT+ groups as 'dating cites' reducing LGBT+ prisoners, and their attempts to organise and support one-another, to the sum of their sexuality and a means to gratify its urges. This reduction is perhaps exacerbated by this group also being sex-offenders, culminating in what Foucault (1978) argued, as the conflation between sexuality and identity in western society, in the past, deviant sexual acts were conceived as 'temporary aberrations', modernity's scientia sexualis leads to those who commit them seen as a different 'species'. Thus, engaging in differing sexual practices from the heteronormative majority, and having been imprisoned for committing ''deviant'' sexual offences lead to being assigned a deviant identity – a separate and unacceptable being.

8) Middle Class Values and Further Education

Class and education are again highlighted as an influential factor, noting a more educated, middle-class cohort among sex offenders than mainstream populations (Mann, 2012; Levins 2013).

> [A] lot of the people we deal wi in this prison are not highly educated, sex offenders aside, because they tend to be middle class, but in general they do tend to be better educated than most of the prisoners we have in the prison. So, ye huv people here who have come from broken homes, broken families, bad marriages, whatever the situations are, but they tend not to be highly educated.
>
> (prison staff)

It is important to consider then a greater percentage of sex-offenders may not be engaged to the same degree as mainstream prisoners to stereotypical pursuits of masculinity and power (Jewkes, 2002). They may also be more aware, accepting, willing and able to engage with the arguably healthier, but in any case, sanctioned outlets to pursue masculinity that are facilitated by the institution – education and vocational employment opportunities; interest and advocacy groups – as a consequence of their class background and habitus, which has played a role in this seemingly more accepting environment for LGBT+. All these outlets typically have greater attendance and participation from sex offenders than from mainstream prisoners, and it is in the sex offender only prisons where we see the most active LGBT+ peer support model, which, despite the 'bad press' and institutional cynicism inspired by a minority of incidents, was recommended as a model for best practice to other prisons.

> 7th anniversary, we did it in two separate parts . . . we had 140 people in total and I would say a quarter of those people I identified as straight, but they were respectful, they listened, and they were very, very supportive . . . half of my representatives are straight because I chose them . . . if you take on straight people and you make them more aware of the situation and the problems that people are facing, they've got a different perspective on that, so they can give me that perspective and I can understand things more from both sides and I find that extremely important.
>
> (gay man in custody)

9) Parsing Sexual Identity, Sexual Abuse and Sexual Offending

There is a consistent and complicated association made with homosexuality and being the perpetrator, and often the victim, of sexual offending within the narratives of several male sex offenders who participated. Many subsequently felt uncomfortable with the idea of sexual relationships.

For some it was expressed as a fear of exploitation and assault having been victims themselves.

> I was sexually assaulted in prison. So I don't agree with sexual activity in prison anyway because even if you are happy to have a sexual relationship with that person, one night you might not want it, that person does, the door is locked, who is going to stop it?
>
> (gay man in custody).

Others were uncertain about what was healthy versus problematic regarding their sexuality, and what engaging in sexual relationships would mean for their sense of self and rehabilitation. For some this was also rooted in previous experiences of abuse.

> I had been raped as a child as well, just before I turned 14, that's when my life really went tits up . . . there's definitely a connection there . . . I believe there is a connection although a lot of people might disagree with me . . .
>
> (gay man in custody)

For others, their offending behaviour alone was enough to establish substantial conflict.

> I had been wrestling with the whole my sexual identity, my offending identity . . . I think that perhaps to the layman or to someone who doesn't know . . . They perhaps would say well, they are the same, yes it is part of me but they're two very separate principles and ideals so that's exactly the struggle I was wrestling there. . .

(gay man in custody)

Negative associations between identity and offending were not just held by offenders. One participants family stated homosexuality was tantamount to paedophilia, and cut contact, making the struggle to separate identity from offending ever harder.

> [T]hey do not agree with homosexuality fundamentally. . . they associate being gay with being Jimmy Saville. . .
>
> (gay man in custody)

However, among the most troubling accounts were that of older, longer serving gay men who claimed when they reported abuse suffered in custody, staff opinion was this was deserved for being a sex offender, and nothing was done.

> I was raped in prison at the age of 21. . . what annoyed me about that was that the person that done it got away with it, and when I did go to the staff to talk about it, their exact word were now you know how it feels to be a victim, now fuck off . . . nothing was ever done about it so I just had to get on with it and deal with it which is very difficult . . . The prison system allowed that to happen in those days, and it's probably going to be one of my darkest times . .
>
> (gay man in custody)
>
> I mean the staff basically told me to fuck off, he wasn't interested and the guy that done it got away with it and I am not the only one he had done it to because I can name three other people . . . he allowed that to go unchallenged and the system allowed it to go unchallenged.
>
> (gay man in custody)

Like the 'don't ask don't tell' culture, these examples evidence the power of staff attitudes in fostering dangerous environments for those whom the institution asserts are in their care, in this case, environments without recourse for sexual predation. While this no longer seems to be representative of prison today, it is not so far away to be considered a relic. Not only are there prisoners who suffered and were not acknowledged then, still in prison now – so will many officers who would have been in the service during this time (several who participated had been officers for between twenty and thirty years). This has implications for developing trust in relationships between staff and prisoners, especially those with thirty years' experience of custody respectively, and some older, longer serving LGBT+ have stated they believe some staff are only civil now through fear of getting into trouble or potentially losing employment – a fear corroborated, and that will be explored in a later section by some, specifically older and longer serving male staff regarding slipping up and getting into trouble for accidentally saying the wrong thing, particularly where trans people in custody where concerned. It is these same older, longer serving male staff who also go on to express discomfort in dealing with certain trans issues or doubt as to the motivations of some male to female trans people in prison. These points are particularly noteworthy given a 2019 analysis of British Social Attitudes evidenced that older men tend to have the most transphobic and heteronormative views of any group in society (Curtice et al., 2019).

> [T]here is still a lot of things that happen in the prison system, still comments that are made with staff and prisoners that shouldn't be. . . I just think it's the culture of the prison, especially the staff up here, you will notice that a lot of them are older staff, so they have been in the system for 30 years, so they are still stuck in the same sort of frame of minds and attitudes as they were when they started, in the 80's or whatever . . . There's still the underlining attitudes,

> you know they are still there, but they, they are not allowed to surface as much as they did in the past. . .
>
> (gay man in custody)

10) Spoiled Identities

While all prisoners are subject to the scarlet letter of a criminal record, classification of crime and sentence type have greater implications, particularly so for sex offenders. Levins and Crewe (2015) evidence the resentment felt by those convicted of sexual offences being labelled 'sex offenders', seeing this as an all-encompassing term that would forever define every aspect of their lives moving forward. This totalising lens rests at odds with what participants describe as potentially the most positive aspect of sex offender halls when describing them as 'therapeutic communities' where they could find and eventually offer support and friendship without judgement to others in similar situations. This is not the case in the community, and rather, participants discuss what they believe others must think of sex offender halls and the dangers of allowing large numbers of sex offenders to live and associate with each other.

> [O]bviously there's a degree of concern about the whole kind of oh if they're all in the one place, there's the sharing of ideals or sharing of negative principles or fostering that sort of environment. But I would say from my experience of living there and my experience of being there, it wasn't the case at all.
>
> (gay man in custody)

This is extended further regarding romantic relationships continuing upon release, as a substantial proportion of ex-prisoners subject to parole licences, and particularly those defined as sex offenders who are obligated to live within the conditions of the sex-offenders register, are not allowed to be in contact or associate with each other in the community for the duration of their licence, which could be years or even indefinitely depending on the severity of their offence as per the Sexual Offences Act, 2003 (legislation.gov.uk). This would mean that if one or both parties were released, either their relationship would end abruptly, or they would be risking their liberty under immense strain to maintain it – a potentially traumatic experience in each case.

> They don't particularly like ermm blossoming relationships because it leads to other things, also they are not encouraged and I believe, it's not something that has been said to me, but I believe that I know why, and the thing is when a person gets out of prison and they are on license, you are not allowed to have contact with known sex offenders, so if you've built up a relationship and you are potentially a couple in here then you can't continue that outside until you are both off license. So therefore, that leaves some very broken-hearted people and that's not good . . . when they leave it's a bit like a death in the family.
>
> (gay man in custody)

Male sex offender environments present an unlikely balance of openness, acceptance, conviviality, shame, and predatory or exploitative threat. Like the female establishment, there is a higher prevalence, knowledge of, and engagement with the LGBT+ population at the institutional level, and so greater emphasis on implementation of standards in-keeping with

the decency policy. In this case, rather than the confusion and lack of agency emphasised in the protection of vulnerable women, it is the sexual misconduct of agentic and predatory men that is given primacy in male sex-offender environments, with those representing the bottom and more subordinated of classic male hierarchies – young, effeminate, openly homosexual, substance addicted and financially insecure – the most likely targets of exploitation. Similarly, to female environments, the implementation of the decency policy in tandem with the unofficial culture of 'don't ask don't tell', and serve to drive potentially dangerous relationships further underground. Furthermore, this policing with its implied sexual deviancy towards sex offender populations also made life more difficult and uncomfortable for those openly gay individuals to participate in LGBT+ interest or advocacy groups and events.

Sub-Chapter 4

Transgender Prisoners

11) Varying Effect of Environment and Culture on LGBT+ Experience

Male Gay, Bisexual and male-to-female trans prisoners in male mainstream halls express some issues of discrimination and homophobia with staff and the prison system, but say they are most fearful, at risk and discriminated against by other prisoners.

Gay and Bisexual men in sex offender halls or prisons, and Lesbian and Bisexual women in female halls or prisons report some issues with other prisoners regarding prejudicial attitudes and behaviours, but generally view most prisoners within their given environment as accepting of their sexuality. Homophobic discrimination from staff was highlighted, but this was a small minority. These populations primarily view the system itself, via means such as its decency policy, as discriminatory and homophobic.

Trans peoples experiences however, come with distinctive concerns regardless of prison environment. Male to Female trans prisoners, (there were no Female to Male participants) stand out as having negative experiences of prejudice and rejection in both male and female halls. Trans people in prison exist in a continuum of risk – considered inherently 'at risk' and vulnerable when housed within the male population where they are accepted as psychologically and socially female. Yet inherently 'risky' and assessed as either a physical or sexual threat when housed in the female population, where they are considered biologically and psychologically and even pathologically male. Conflicting ideas of sex, gender and biology

can be seen running up against each other within policy and practice here, just as they currently do in politics and academia.

A growing body of research from various prison populations across the world including the UK indicate that transgender prisoners remain a "vulnerable group," and continue to experience significant mistreatment, human rights violations, and erasure of their gender identity, conferring greater risk of trauma, suicide, and self-harm than experienced by the general incarcerated population, and due to being placed in facilities that do not align with their gender identity they are at greater risk for verbal, physical, and sexual assault and that mistreatment, violence, and indifference are the norm rather than the exception (Bromdal et al., 2019; Jenness, 2014). In line with global trends, male to female trans prisoners who participated in this project also report their experience of being in male halls as 'a nightmare' with daily abuse, threats, assaults, isolation and spiralling mental health concerns.

> [T]here was a lot of bullyin', a had a lot of verbal and physical abuse that, a suffered from, from other guys . . . it was constant, twenty-four-seven abuse, an a just couldn't get away from it.
>
> (trans woman in custody)

Staff were felt to be complicit in that they were aware of bullying but were uncaring and unwilling to act.

> Hall Management never [pause] bothered to [pause] intervene, when the bullying got, really abusive and it got to the point it was physical, they almost turned a blind eye, and when a did come out as trans within the actual male prison estate, they were very slow in acting upon it.
>
> (trans woman in custody)

Even those who had managed to 'get by' in male establishments, now with limited verbal abuse and threats, were existing quietly on the periphery hoping not to be noticed, with a daily acceptance of inequality and participation in a heteronormative environment that privileges overt masculinity and rejects the feminine (Jenness, 2013).

> [T]hink when it comes to like LGBT people in prison, I don't know the situation in women's prisons at all but especially in men's prisons, if someone does identify as transgender, they are considered a freak, they are considered an outcast. People do everything they can to bring this person down [pause] like it's really unfair how people like me do get treated in prison . . .
>
> (trans woman in custody)

When in female halls, one trans woman described feeling, that after a couple of years, they [Women prisoners] were beginning to consider them 'human' and gradually more accepted by other [female] prisoners. But still with strong, open hostility to their presence, with many regarding them as freaks or dangerous men.

> I see it with a lot of transgender people . . . they definitely still have prejudice, more so than being gay or bisexual. I think they are slowly, you know being gay and bisexual is accepted now, I know it's not everywhere and there will be problems but I have seen it in prison, outside of prison, people who are transgender face a lot of discrimination and bullying.
>
> (bisexual woman in custody)

Participants raised several instances of false reports of sexual assaults, rapes, and lude behaviour by trans prisoners that CCTV proved could not have happened and that healthcare staff assured was physiologically impossible due to the medication those accused were taking at the time.

> [I] definitely think the issue of where transgender people sit in prison needs looking at because we had an issue recently . . . somebody made some very, very damaging rumors that ended basically she had said she had been raped by this 'he/she' as she called it. So this person ended up down the seg, we had the outside police in and it was horrific. . . it was on CCTV, it was lies, that was a very damaging thing, for the days when we didn't know if this was true or not there was a horrible atmosphere around the prison because everyone was like "they shouldn't let men into prison, it's obviously because it still thinks like a man", people still call it 'It' . . . one of the staff members was very, was almost like disgusted by [trans prisoner], which was wrong, it's horrible. (lesbian woman in custody)

These experiences belie the common narrative that women's prisons are safe for male to female trans prisoners (as evidenced by Jenness (2013) where some trans prisoners preferred to be in beside the men as the women were ''vicious''); that biologically female prisoners are accepting of trans male to female trans prisoners; and that upon entering a female prison it is trans-women who (risk assessed as biologically male) exclusively pose a risk to biologically female women. Rather, in women's halls, trans prisoners are met in some cases with extreme prejudice, and the potential consequences of false allegations if believed are by no means soft attacks comparative to the physical or sexual threat typical of male environments. Instances of trans people who have physically or sexually offended against women when moved to female establishments cannot be ignored, or the disproportionately high representation of sex offenders within this cohort (48% - higher than in the general male or female population) that drive debate against housing trans women prisoners according to

their gender (Heyton, 2019). But we must also acknowledge the power of an entrenched negative narrative of maleness and its inherent threat, to the extent that biological males who are arguably as far away from embodying hypermasculinity as is possible to be, and who the establishment accepts as female, remain perpetually suspect. A narrative resulting in a set of presumptions that can be easily weaponized against trans women, as we have seen here, where the default assumption by both prisoners and staff was one of guilt on their part, placing them in a similar conceptual space to that held of the predatory lesbian who were historically subject to greater suspicion and harsher treatment including longer prison sentences by virtue of being viewed as masculine (Severance, 2004; Jackson, 2011; Bosworth, 2017).

12) Trans Women and Sexual Assault: perpetrators and victims

Thankfully, no trans participants within our sample reported being raped or sexually assaulted in custody, despite their increased risk of sexual assault in custody cited in the literature, though this is based on American prison culture which is markedly different than the UK (Stevens, 2017).

Their perceived threat as sexual predators however remain a primary risk factor both in the US and UK. While none of this projects trans participants reported being or having experience of sex-offender environments and so where not included in the initial analysis of sex offender environments in chapter 3, it is noteworthy that an estimated 48% of identified trans people in UK prisons are known sex-offenders (Heyton, 2019) and that this has dominated public debate on decisions of where to house trans prisoners (ibid; Garside, 2018; Naysmith, 2018; Fernandes, Kaufmann and Kaufmann (2020). This issue was problematised further by the

proposed (rejected) amendment to the GRC where self-identification was sufficient legal grounds to be considered female, independent of secondary sex characteristics or any evidenced desire to live as a woman (GOV.UK, 2020) such as the use of hormones and medications to assuage the 'threat' of prisoners with a functioning penis being housed within the female population. These concerns were reflected to some degree by staff who highlighted specific problematic prisoners they considered disingenuous and seeking to manipulate the system for their own ends.

> Unfortunately, this individual that wur speakin' about, everybody, whether they'll say it or not think that he's manipulatin' the system . . . am gonnae say he cause at the present time, that's what he looks like, as a man . . . he's usin' the transgender, an the equality an diversity, to manipulate the prison system, to his own ends, or hur own ends, em which makes it difficult for us as officers, to deal with this one individual . . . a don't think there's anybody in this room that would honestly say that this person is a true transgender. (prison staff)

This however was specific to an individual and not the staff view of all trans prisoners.

> Yes, and that's why . . . that particular individual is bein' kept away from, the female population. However, in the female population right at this moment we have two female-to-male transgenders, em . . . Who've not done anythin' . . . one who is post-op, one who is pre-op, but both live life as females, an they are all dealt with as females or males everyday . . . an wi just get on wi it . . . thur just another prisoner, they just happen to, choose to live their life as females. . .
>
> (prison staff)

Though staff did acknowledge the impact of such cases to jade some officers' perspectives and cast suspicion on those who were not attempting to manipulate the system.

> An it's, a know wur getting hung up on this one individual, but, they're perceived to be at-it, and usin' somethin' as a strategy for their own ends, an, like we wur sayin, that, has affected how some other staff, may perceive an treat, genuine cases, genuine people, on that journey.
>
> (prison staff)

13) Proving Your Femininity

Both staff and prisoners raised the issue of prisoners who defined themselves as trans being considered threatening, frightening, and disingenuous due to presenting very masculine in their appearance.

> [W]e've recently just had one, [trans woman] just as an overnight just to see what it was gonna be like, an if the hall could ye know, accept her integrate her. . . ad noticed that the girls weren't just treatin' them as alternative, non-human ways of life. They just didn't accept them as trans-women at all. They were down an out, just men dressed as women . . . the one that we just had . . . the hall changed, the atmosphere was very, very tense, girls were very frightened to go near her, a lot of the opinions that av had from other girls is that this particular woman is very masculine in appearance, walks with a very masculine way, is there's no femininity about her, and a lot of them really feel frightened to almost kin' of engage with her. . . there's[sighs] a huge lack of

> understanding of the spectrum of trans women, cause ye don't just have a one-size-fits-all policy.
>
> (trans woman in custody)
>
> A think what's really hard wi the one we're on about is, there's nothin', visually . . .to make that person look like a female. . . If she go's for a shower, she comes out, just with a top, she doesn't cover ur top up, if she's a female she would do that.
>
> (prison staff).

This aversion to trans people (at least by some of the female population and by the staff responsible for housing them within the female population) seems to focus less on any real physical differences between male and female sex typical bodies, and more toward committed demonstrations of gender typical gestures and mannerisms. This indicates the strength/power of social signifiers of gender which, to be viewed and accepted as genuine, must be embodied, and acted out, often in their most stereotypical forms. This significance in performing gender despite knowing the 'truth' of their sex is evidenced by Jenness (2013) where passing is less about biological and anatomical secrets to be managed and more about making gender commitments visible. However, it is noteworthy that when such commitments go as far as creating or removing material physical sex differences, specifically through effective chemical castration or full surgical intervention, these are considered the most valid or genuine cases, as they are ultimately always measured against the objective reality of natal sex. Prison staff are evidenced in our data citing that resisting such processes is sufficient grounds to prevent prisoners from entering female spaces. This indicates both the diversity of transition at multiple levels, and the complicated, often conflicting logics at play in understanding, assessing and reconciling these issues.

> [H]is refusal to go on the medication that . . . he needs to take to turn his . . . Well not to turn um intae a she but . . .To stop it workin'. . . Yeah to stop it all workin' an stop thinkin' as a male, sexually, an he's refusin' to do that or she's refusin' to do that, therefore, she is bein' kept in a male em hall. . .
>
> (prison staff)

This example, along with that of effective chemical castration serving as an alibi for alleged sexual offences and assault whilst in custody, illustrates a far greater significance on physical, sexed bodies and sexual function at both the interpersonal and institutional level than either the literature suggests, or the proposed policy and practice narrative acknowledges. It is also telling of the phallocentric threat ascribed to being male physically, mentally, and sexually, and while removal or redundancy of the penis is no more a guarantee of safety than the presence of a functioning one is a guarantee of threat, demonstrates the lengths male to female trans people in prison must go through to symbolically mitigate that threat. This sub-chapter illustrates the narrow margin male to female trans people in prison must inhabit, and the perpetual physical and sexual risk they are simultaneously perceived to be victims and perpetrators of, depending on which environment they are housed. Regarding this dissertation's primary research questions, their subordinate masculinity and so accepted femininity amongst biological males, and their inherent biological maleness, irrespective of their accepted femininity amongst biological females, shapes perceptions of risk and standards of practice at the institutional policy and individual practitioner level.

Sub-Chapter 5

Policy, Practice and Staff-Perspectives

14) Policy, Practice and Ethos: Institutional Differences Between Male and Female Halls

The significance of gendered norms and expectations is evident in the different institutional approaches in dealing with male and female populations (Crowley, 2018; 2021; Morrison and Maycock, 2020). Trans prisoners have unique lived experience and can speak to the difference between male and female halls from a prisoner perspective.

> At the male estate you don't get any support, or certainly I didn't. I did have, ye know, em one-to-one counselling with a mental health nurse and there was a counsellor that was available to speak to but, again because of the gender identity issues and the kin' of sexual orientation there, they just again kin' of tip-toed, didn't really know what to do. . .
>
> (trans woman in custody)

Arguably, this perspective is skewed by being considered as not truly belonging to either population simultaneously. However, staff with experience of working in male and female environments also emphasise the difference of tact and ethos.

> There is a massive difference, I would say that males don't get anywhere near as much support and understanding as females, in male prisons we tend to be dealing with violence and drugs and things like that every day, whereas in female prisons we tend to be dealing with their emotions and their families and maintaining family time, it's far more about their feelings here, whereas

> there it was more about discipline and punishment . . . There is massive support available here and I think that in the female estate everything is looked at completely differently, they look at any traumas that the women might have been through, so the whole of the female prison system seems to look at anything that might have happened in their childhood or anything that has caused them to be, to commit crime, whereas in the male prison system you don't get that at all. I think it's expected that men will be in trouble with the police but with women they want to know why . . . they get a lot more support, a lot more care. . .
>
> (prison staff)

Coming back to the notion of what prison should be for men and for women, even for those who do not believe or openly express a desire that men's prisons ought to be harsher or tougher than women's, there is a great deal implied in the criticisms of female incarceration, from the deplorable facilities, stark catacomb style halls, and harsh, imposing architecture, to the lack of gender responsive facilities and recognition of the traumatic pasts of women housed in a system 'designed' for men (Jewkes, 2019) that these many wrongs, while wholly unacceptable for women, are somehow suited, calibrated and bespoke in their design to the specific emotional and psychological needs of men. Something I doubt few serious academics or activists in the field would ever state if asked to comment specifically on the male estate but seem to advance almost unthinkingly when defining the female estate.

This same manager believed a trauma informed approach like that adopted for the female population would be valuable for males – a sentiment shared by numerous staff participants.

> I think it should, absolutely should because I think men definitely have a lot of the same problems as women, you know, it's not just women who go through

> childhood abuse is it and it is not just women that suffer as children, had bad lives, have bad starts in life, it's men also, but it just don't seem to be considered.
>
> (prison staff)

This criticism and desire for a different approach from staff highlights that prison regimes and protocols are operationalised around rigid constructions of gender – shoring up gendered tropes. This is a particularly salient issue for those who are gender non-conforming, especially trans prisoners who, paradoxically, given their commitment to gender norms and stereotypes, require establishments to make the most significant departure from these norms, as trans people are defined first in these instances by their natal sex – their social gender dependent upon being successfully negotiated and demonstrated over time. But it is also unhelpful to most of the prison population for whom their gendered positions, which in prison are focussed predominantly on extreme stereotypes, are reified as much by the prison as by peers. Similarly, to the problems implicit in the decency policy, prisons can again be argued as working against themselves in their efforts to facilitate an inclusive environment for sex, gender, sexual orientation, and identity. Furthermore, it evidences that staff who enforce the regime do not necessarily agree with the narratives governing their practice.

15) Common Themes Among Staff – Training, Support, Adjustment and Prioritisation

Staff input has been incorporated throughout and most staff interviews echo claims of imprisoned participants. The most common theme across staff interviews was an expressed need and desire for more training, and a criticism of their lack of ability to provide necessary

support to people in prison in dealing with these issues. This was overwhelmingly in relation to transgender people in prison. A learning by doing process, while essential when developing the skillset necessary to address the complexities of those in prisons lives, must be balanced with robust and clear guidance, and while there is no singular standard of professionalism, professional practice, technical knowledge, skills and informed judgement are key to the role (Morrison, 2018). The better trained our prison staff are in the issue collectively, the safer the environment will be for prisoners and staff.

> An a don't think from the LBGT community, did we get much trainin' at all, if any on how to deal wi, em, transgender prisoners comin' in . . .
>
> A didn't get any training.
>
> ye git emails [sarcastically] ma trainin' tae deal wi a transgender wiz, em, we've got a male/female comin' inwho still hus, their male parts, but you're gonnae have to search um. A was like WHAT? [Laughs] An that, an our, an our trainin' was readin' a document . . . to tell us why we were supposed to search this male/female by a female officer, an that was ma trainin'.
>
> A think from the point 'ae view 'ae the lesbian and gay part 'ae it though, it doesn't cause any issue at all, it just, we just . . . they are worked with, in the same way as any other, yeah wur gettin' a wee bit tied down in the transgender cause we have so many 'ae thum in here, but, in general the gay population throughout the prison are just dealt with the same way as any other prisoner on a day-to-day basis an don't cause us any other major issues. (prison staff)

While the stated desire and recognition of the need for more and better training around diversity and wellbeing expressed here can be taken as a positive, it is noteworthy that a growing body of research in the UK around prison officer culture contradicts these sentiments (Morrison and Maycock, 2020). Even in the wake of the SPS's new ethos of unlocking potential and transforming lives, and its drives to professionalise the role of prison officers as 'Justice Professionals' who share the new values and ideals the institution now purports to hold, most new recruits held punitive and socially conservative views of justice practices and criminality (ibid). Self-actualisation of self and others through supportive and rehabilitative practice, while not uncommon among prison recruits was often a secondary priority to that of risk and maintaining order. Most who had entered the system with optimism with regards to the rehabilitative ideal, had become cynical over time, and felt that much of the failures to rehabilitate were a result of the poor personal choices of individual people in custody, and that this was encouraged by a system that is too soft or lax to promote desistance. Most notably, drives to professionalise the service through the pursuit of further or higher education and training, like that being called for here, were also rejected by a large majority of prison staff via the Prison Officers Association (POA) (ibid) and voluntary uptake for existing training is low. Perhaps an expressed desire here in this instance could be taken to reflect the acute concern of being held to account and potentially sanctioned for accusations of prejudicial treatment.

Concerns were raised over room for subtle errors and mistakes on their part, and the trouble they could be in should they be subject to a complaint of transphobia, while adjusting to a new normal. This was discussed as particularly difficult where they had known a person in prison as a male or female for a substantial period prior to transitioning, or where trans people in prison where still housed among populations not of their social gender, although

some staff felt more comfortable than others in handling such issues, and provided apologies were accepted as sincere, that most people in prison were understanding and accepted such slips with good humour.

> [S]ometimes we slip up . . . unfortunately and sometimes av, maybe in ma personal opinion is thit, sometimes the, LGBT community, ye kin slip up, ye kin actually get in, in a bit ay trouble cause, they're a bit more sensitive.
>
> Umm, havin' worked wi certain females, an males, for long periods 'ae time, an then, they come back in, an suddenly they've changed gender, although they're still staying in that residential area where the females are identified, but thur on a transgender journey, that makes it really difficult.
>
> Cause al go in an go, right girls, it's time 'ae, an he'll turn round an say, an boys, an al go, yes young man, you get to your cell, an so, we make a sort eh, it's a bantery, jokey, much more comfortable situation to be in wi this person cause, a know am gonnae make mistakes, am no afraid.
>
> (prison staff)

This issue is also claimed to be exacerbated by the problem of understaffing which is raised consistently by staff and will be explored in coming sections as limiting their ability to little more than maintain basic order.

> [I]f you're on your usual flat an you're workin' with the same prisoners, then you get to know the procedures, but because of the nature of the job, you're often short staffed, an you get, say, "can you go to such an such a hall?" at the last minute, an I've done this an I, I, I've not realised that one of the, the, um, people I was workin' with was transgender, an then, you kind of think, oh I know, I made a mistake, an because of all the legal action that can be takin', it,

> ye know, a think as long as you go back an apologise, then, that, that's alright. But yes it does, it does create, put more pressure on, on work . . .
>
> (Prison officer)

Staff also highlighted a lack of support for themselves from managers and the gulf between managers and frontline staff regarding the implementation of equality and diversity-based practices focusing on gender and sexuality issues which, almost exclusively, concerned trans people in custody since the introduction of the 'Gender Identity and gender reassignment' policy (SPS, 2014).

> We support each other . . .but the management do, do not support us . . . we're just a number 'ae them, they're only interested in stats, we're just here daein' the groundwork, sweepin' up. Dinnae really give a, monkeys aboot us.
>
> I have spoken to managers when, no[stutters]not just these values, emm, and, the manager has been quite supportive, and then av been told somethin' 'as been dealt with, but still certain behaviours do go on. . . I'm here to do a job; I try to do the best job that I can. If I get supported, great - if I don't, it's not gonna make me [stutters] quit my job, but . . . I know one person in particular who was, very, very hurt by, by things that were said - not challenged, and, their life was made a misery, and the manager did not deal with it very well . . . it depends very much which manager you speak to, and what their views are, but at the end of the day, the, their main priority is their KPI's. Ye' know we've gotta get our KPI's, and if we get our, key performance indicators right, then, ye know, we're not really that fussed, because we've got our targets to make.
>
> (prison staff)

Most notably, several staff also openly expressed a sense that issues of gender identity and sensitivity were low on the list of concerns when trying to maintain order in volatile environments.

> [I]t's sometimes not a priority. A mean you work in an area, violence, drugs, weapons. Whether the guys called a he or a she, it's not that important really, in our point of view, cause the first thought is safety, an risk. So, as a result, ye think, oh it's quite low scale on the priority . . .
>
> [I]t seems so, so trivial compared to, the violence one can face on a day-to-day basis or the, yeah . . .
>
> (prison staff)

It is again noteworthy that the typical attitudes and cultures evidenced within the literature on prison staff reveal a more socially conservative view of the role that prioritises order and discipline above issues of care and wellbeing, regardless of limitations in their ability to implement either effectively (Morrisson and Maycock, 2020).

Based on participants' responses, prisons are best described as overcrowded institutions run by an under-trained and understaffed workforce, being asked to implement policies that reify gender differences and produce stigmatising or prejudicial like effects that run counter to their operational goals. Regarding this inquiry, a commitment to normative gendered presentations were clearly evidenced as significant in shaping the assessment as well as opinions and acceptance of staff (and people in prison) regarding trans people in custody, not just in individual cases but the entire 'population', which has serious implications. However,

the primacy of safety and security against a perpetual threat of violence has evidenced (and perhaps legitimated the pre-existing belief of many) that the policing of prejudice from people in prison, or respecting courtesies such as correct pronouns as trivial by comparison in the eyes of staff who believe they are justifiably preoccupied with maintaining the physical and environmental safety of those in their care.

Chapter 7 – Conclusions and recommendations

The purpose of this chapter is to return to the primary research questions and consider to what degree they can be answered in respect of the data.

To what extent does heteronormativity and a concentrated or 'hyper' masculinity in the prison setting impact the lived experience of LGBT+ people?

The masculinities literature and participant data, evidence a governing ethos of exaggerated, harmful masculine tropes that most of the mainstream prison population labour under, and that these environments can be overtly hostile to GBT+ people in prison. However, this depends on specific prison environments. Male sex-offender environments for example tend to be less hypermasculine, more convivial, accepting of GBT+ people in prison, and generally more aligned with the norms and values of the institution, although predatory sexual behaviour and grooming are of heightened concern, which can be counted in the canon of toxic masculinity, though at odds with the hypermasculine ideal.

In the female population, hypermasculinity is obviously limited and exaggerated, or toxic manifestations of male-typical behaviour (sexually predatory, violent) are evidenced as being attributed to male-to-female trans prisoners. While these environments are generally the most accepting of LBT+ and with the greatest reported representation, heteronormative attitudes and norms of women as passive and lacking agency question the validity of women's relationships and their ability to make informed choices regarding their sexuality or sexual conduct. The findings evidence that LGBT+ experiences vary depending on not just their sub-demographics (whether L, G, B, T or +) relationship to masculinity, but the extent to which a given sub-environment (mainstream, sex-offender, female) is governed by the tenets of (hyper)masculinity.

How are gendered presentations and identities of LGBT+ people viewed by themselves and others (staff and prisoners) within the prison setting – as separate, and/or subordinate forms of masculinity?

Those 'passing' in male mainstream environments work to maintain a pretence of heterosexuality. They report being conscious of their embodied masculinity regarding their tone and mannerisms, careful not to present themselves as effeminate, and engaging with others in sexualised discussions about women. This is in line with a straight male participant's claims as to the importance of masculinity within the prison environment, perceived acceptance among the dominant social group, and reflective of the literature on 'front-management' projecting where possible the masculine traits seen as integral to 'belonging' among peers. This pattern also reflects Bourdieu's concept of Habitus, adapting one's mode of being to that of the majority to succeed within the prisoner Field. It also demonstrates his concept of symbolic violence and the role of partial acceptance on the part of the one being oppressed for the terms of their oppression – in this case, accepting the subordinate status of homosexuality, and opting to conceal one's true self and imitate that which is held as dominant, for self-preservation.

For male to female trans people in custody, who by virtue of presenting as either overtly feminine in tone and mannerism, if not presenting female in appearance, and identifying in every sense as female, passing as male may be a far more difficult option for them, particularly for those facing longer custodial periods. With their greater visibility within the population, comes a greater risk of abuse and threats in all male environments. But, if looking to be housed in a female unit, they must present as (stereotypically/traditionally) female as possible and for a substantial length of time to be believed by prison authorities and accepted by (some of) the women in the hall. Staff express the potential for relationships and

narratives regarding trans prisoners being mired by those they believe to be manipulating the system, and this has been a core concern for prisons across the world and especially in the UK where trans prisoners can be housed in units that reflect their social gender.

To what degree do existing norms and constructions of sex and gender (in prison, and UK society) shape policy and practitioner judgement in relation to prisoners, and to what degree do they reinforce gender and sexuality stereotypes in their attempts to address them?

Prisons and the justice system are operationalised around the normative expectation of inherent male violence, both physical and sexual, extreme male behaviour, and agency, with a focus on violence prevention, maintenance of order and discipline. Female establishments are modelled, with the Scottish female estate to be completely overhauled and geared towards trauma informed practice (Jewkes, 2019), in line with conceptions on female passivity, fragility, victimhood, and a need to justify and treat the external forces that cause the departure from the expected norm of inherent female decency, where women in prison are typically defined as 'scarred by multifarious forms of trauma . . . mental, physical and sexual abuse . . . loss and bereavement, witnessing parental abuse, being separated from children and other dependents . . . by their offences, whereby feelings of guilt, regret, anger and grief can manifest themselves in forms of inward-facing violence (i.e., self-harm and suicidal ideation), aimed at punishing the self . . . Trauma exposure is frequently identified by women as instrumental in their 'pathway to crime', and incarcerated females have often been victims of much more serious offences (e.g., rape and/or grievous bodily harm) than those for which they are convicted (predominantly non-violent drugs and property offences) . . . They are also frequently trapped in a vicious cycle of offending and victimization—victims of controlling behaviour from a partner who may coerce them into offending and/or victims of poverty and neglect which they may in turn pass onto their children' (Jewkes, 2019 pp.7).

Staff express both this dichotomy and their personal difficulties with ensuing practice, believing males would benefit from the kind of trauma informed practice implemented in female units. Trans people with experience of both male and female environments report receiving no support and being met with indifference and even hostility in male environments, and much greater support, care, and access to services in female environments. Environments that cater to stereotypes and define agency and choice as inherently male, render them not applicable to any discourse on women. Just as defining trauma-informed offending and human frailty as inherently female, effectively renders these traits not applicable to the discourse on men. In this way, policy responses to gender typical aspects at the level of population may in turn shore up gendered narratives of offending populations that are potentially harmful to them by oversimplifying or disregarding universal issues based on gender, and so preventing opportunities for more nuanced policy initiatives, practice, and modes of being for those in custody.

How does the perspective of LGBT+ people in prison challenge the accuracy and utility of existing, conventional constructions of sex and gender?

LGBT+ perspectives challenge the common discourse of women and women's spaces as more accepting, understanding, and safe. While female environments are generally much saf*er* physical spaces than male environments for LGBT+ people, hostile attitudes were consistently evidenced towards those described as 'gay for the stay' by self-identified 'real lesbians'. This also contradicts current and popular academic discourse of LGBT+ as one inclusively diverse population, accepting of any non-normative or queer sexual expression, fluidity and appraisals of sex, sexuality, and gender as false constructs. These essentialist definitions of 'real women' who are 'real lesbians', who's authenticity implies a place of prestige within the hierarchy of sexual expression and embodiment, and which subordinates inauthentic 'fake'

women who have relationships with other women in custody but are not 'genuine', not only contradict the common discourse of both female and LGBT+ spaces and attitudes, they mirror the social stratifications readily and negatively associated with males, where the essentialised masculinity of real men subordinates and polices those considered unbecoming of the standard.

Similarly, the perspectives of those in sex offender populations belie the common institutional discourse and focus on predatory and exploitative sexual practices. While there is an increased likelihood and risk of exploitation in these environments, they are also the most active in operating peer lead support initiatives and interest groups for LGBT+ issues and described as therapeutic environments where Gay or bisexual men can live together and support each other. These more accepting and convivial environments, particularly when driven by the LGBT+ community through active engagement, contradict not only the predatory aspect ascribed to sex offenders but the stoicism, machismo, and refusal to seek or offer support typically ascribed to males.

In both cases, while the risks and needs most readily associated with their respective populations undoubtedly exist and are relevant at the population level analysis, their simplification and codification in policy above all other factors can be seen to be, contributing to harms either by problematising their 'natural' sexual feelings or driving them underground in dangerous ways, and are openly rejected by these populations.

Specific problems brought to light by those in custody as harmful were the 'decency policy', and the common unofficial practice of 'Don't ask don't tell'. Officially, prison staff are incentivised to seek out and police close contact and intimate behaviours, separating couples where possible. Unofficially, people in custody are told if relationships remain hidden, they

will not be challenged. LGBT+ people in custody experience this policing as an institutional condemnation of their sexual identities, being made to feel that something integral to their being is morally wrong. Meanwhile those who may be experiencing difficult relationships and would benefit from support and mediation, dare not make themselves known for fear of being punished and separated from their partners, leaving anyone in a volatile or stressful relationship vulnerable. Furthermore, the unofficial sanction of don't ask don't tell creates spaces not just for volatile, but coercive and exploitative relationships to flourish. Both practices then can be argued as indistinguishable from homophobia and wilful neglect when enforced.

The introduction of sanctioned supports for LGBT+ people in custody to mediate and confide in regarding intimate relationships should coincide with a dialling back of both the incentivised over-policing of the decency policy and the wilful blindness of 'don't ask don't tell'.

Staff indifference in the face of what they considered real and immediate concerns were also identified regarding sexual orientation or gender identity. Many staff do not see sensitivity to these issues as a priority when faced with maintaining safety and security, particularly in volatile areas. Staff claim to be overstretched, with too many prisoners to care for, and they do not have the bandwidth to be prejudicial towards LGBT+ people in their care.

This is a substantial concern, for even if staff members were unquestionably pro-LGBT+, they are either too concerned with what they define as 'real issues' of safety and security, or they are enforcing prison practice indistinguishable from homophobia, either by policing and punishing intimacy, or turning a blind eye to that which is unseen and encouraging clandestine relationships with no scope for mediation and support.

Introducing more frontline staff to cope with the sheer volume of those in prison (at least until we are committed as a society to greatly reducing the prison population) and facilitate greater involvement and adherence to diversity issues and mandating better and more regular training regarding diversity issues and mental health support is recommended.

While population level observations about gender differences are useful as it is necessary to allocate scarce resources where needed most, they must be viewed as tools, rather than rules. Prisons should not reify gender stereotypes and strengthen either the culture of hypermasculinity ascribed to male populations, or the perpetual victimhood ascribed to females, as both lack the nuance required to appreciate most people's situations. The more they attempt this, the more difficult it will be for everyone, but particularly those who are gender non-conforming and especially trans people in custody (who, despite an arguably greater commitment to heteronormative gender roles, remain defined by their natal sex, and so still gender non-conforming in the perceptions of the majority of the prison population and the staff they must live with and defer to respectively) to live in explicitly gendered spaces.

The literature on masculinity also reveals an academic, political, cultural, and institutional narrative that defines what and how men are as something inherently pernicious and oppressive. I believe there is something dangerous and deeply unethical in labelling the worst of human behaviour as inherently and normatively male. Extreme or hypermasculinity does not accurately represent most men, nor does it represent most of the men in UK prisons. Equally dangerous is the assumption that prisons are 'designed' to benefit the majority male, heterosexual prison population. Prisons are places of punishment for this population, just as any other, and to suggest otherwise is to deny the imprisonment of over 95% of those

incarcerated. In a justice system where 95% of the prison population are male, and 99% of whom will return from custody to society, it is necessary to consider the degree to which the current narrative is hindering opportunities for meaningful engagement with this population, and worse still, bolstering, rather than transcending negative stereotypes. This is reflected in prison research in Scotland which is overly focused on women and young people, with over 50% of research applications focussed on women and 17% focussed on young offenders despite each accounting for roughly 5% of the prison population respectively (Maycock et al., 2018).

For policy makers and those who set the tone of institutional practice, a re-examination of the common narratives that feed the negative reinforcement of gendered norms, particularly that of agentic predatory males and weak, vulnerable, passive females is recommended.

Both those in custody and prison staff expressed the need for further staff training, and awareness raising for those in custody regarding LGBT+ issues. Many in custody also stated mental health sensitivity training for staff would be of significant benefit to caring for those in custody, though this was highlighted more by women than men. Staff also argued there should be a more universal ethic in dealing with those in custody, applying the trauma informed care and support model deployed in female establishments to all populations.

Regular mental health and wellbeing, and diversity training should be mandated, as well as a broadening of the trauma informed practice model (though with the above caveat that such models would be revisited, so as not to simply replace the narrative of extreme male agency with that of extreme female vulnerability).

Trans issues dominated staff discourse as the most contentious LGBT+ rights issue in custody and presenting the greatest institutional and individual challenges. Additional focus then should be granted to trans rights issues in respect to all the recommendations offered here.

In attempting to address the questions at the heart of this dissertation, it is the voices, lived experiences and expressed desires of LGBT+ people in custody that have ultimately informed its recommendations for more inclusive, ethical, and socially just practices in UK prisons.

Word count: 38310 [with allowable exclusions]

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